

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1682 OF 2018

Nitin H. Murav

... Applicant

Vs

State of Maharashtra

... Respondents

...

Mr. Vincent X D'Silva for the Applicant.

Mr. H.J.Dedhia, APP for the Respondent-State.

CORAM :SANDEEP K. SHINDE J.

DATE : 19 DECEMBER, 2018

P.C. :

It is an application for pre-arrest bail.

2 The applicant is apprehending arrest in Crime No.I/201/2008 registered with Mumbai Naka Police Station, Nashik at the instance of his wife for alleged commission of offence under Section 498A, 323, 504, 506 an 34 of the IPC.

3 Heard the learned counsel for the applicant and the learned APP for the State.

4 Applicant's mother is co-accused. She was granted anticipatory bail by the learned Additional Sessions Judge, Nashik. The applicant herein was also granted ad-interim protection on condition that he would attend the police station. It is submitted that this condition was not communicated to the applicant by his advocate and, therefore, the applicant could not attend the police station. On this default, the learned Additional Sessions Judge rejected his application on 18th August, 2018.

5 I have perused the complaint. The complainant is the wife, who alleged ill-treatment at the hands of the husband and his mother. Applicants are residing at Kalyan and it appears that the complaint is lodged by the complainant at Nashik where her parents are residing. It appears from the records that wife had withdrawn herself from the company of the husband and was residing at her parents house. Thus, the applicant has filed petition under Section 9 of the Hindu Marriage Act on 26.3.2018. The complaint was lodged

in June, 2018.

6 That upon taking into consideration the facts of the case, the application deserves consideration and, therefore, it is allowed.

Hence, the following order:

(1) The Application is allowed.

(2) In the event of arrest of the applicant, he be released on executing PR Bond of Rs.25,000/- with one or two sureties in the like amount.

(3) The Applicant shall co-operate with the investigation and attend the concerned police station as and when required.

(4) The Applicant shall furnish his contact details and residential address so as to enable the I.O. to contact him as and when required.

(5) The Applicant shall not tamper with the prosecution evidence in any manner whatsoever.

(6) The Application is disposed of.

(SANDEEP K. SHINDE, J.)