

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

ANTICIPATORY BAIL APPLICATION NO. 2478 OF 2018

Kalpesh Narendra Yadav	... Applicant
Vs.	
The State of Maharashtra	... Respondent

...

Mr. Sumant Deshpande for the applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. Shirsat, PSI, Ghatkopar Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 4th DECEMBER, 2018.

P.C.

1. This is an application for anticipatory bail in connection with CR No. 680 of 2018 registered with Ghatkopar Police Station for the offence punishable under Sections 498A, 406, 323, 504 read with 34 of Indian Penal Code. FIR was lodged against the applicant and other in laws.

2. According to the complainant, the marriage was solemnized between the complainant and the applicant on 11th February, 2016. It was a love marriage. For few months, the applicant's behaviour towards complainant was cordial. However, subsequently, he started avoiding the complainant and she suspected that the applicant is having a relationship with another

women. On 15th May, 2016, the applicant went to Pune for some work. Since, the father of the complainant was ill, she went to Bhusawal to look after him. The applicant/accused returned to Mumbai alone. Subsequently, in June, 2016, the applicant went to Malaysia and returned after few days. Subsequently, applicant started quarreling with the complainant and he used to consume alcohol and abuse her. In 2017, the applicant stopped visiting home. The complainant learnt that applicant is residing with one lady at Ahmedabad. On 15th September, 2017, the applicant and his girlfriend were sitting in a restaurant. The complainant went there and asked the applicant to come home. The applicant abused and assaulted her. On 25th October, 2017, the applicant visited the house and abused the complainant. On the same day applicant left the house with his belongings and gold ornaments of the complainant. FIR was registered on 30th October, 2018.

3. The other accused was granted anticipatory bail by the Sessions Court. The application of the applicant was rejected vide order dated 26th November, 2018 by the Sessions Court.

4. Apparently, on reading the First Information Report, it appears that the applicant/accused was away from the house most of the time. FIR does not refer to any demand of dowry. The

incident relating to gold ornaments had allegedly occurred on 25th October, 2017. However, the FIR was lodged after a period of one year. Learned APP however pointed out the written complaint forwarded by the complainant through her advocate about the alleged incident dated 25th October, 2018. I have perused the complaint. There is no reference of any allegation about the accused taking ornaments on 25th October, 2017. Learned APP submitted that the complainant has attributed overt act of assaulting, abusing, causing cruelty to the complainant by the applicant. However as stated above, the incident of removing ornaments had occurred on 25th October, 2017 and the First Information Report was registered on 30th October, 2018 after one year from the date of said incident. It also appears that the complainant had initiated proceeding under Domestic Violence Act prior to registration of FIR. The applicant has initiated the proceeding for divorce in the Family Court at Bandra which is also pending. In the circumstances, the case for grant of anticipatory bail is made out. Hence, I pass the following order.

ORDER

- i) In the event of arrest of applicant in connection with C.R. No.680 of 2018 registered with Ghatkopar Police Station, the

applicant be released on bail on furnishing P.R. Bond of Rs.20,000/- with one or more sureties in the like amount.

ii) The applicant shall attend Investigating Officer of concerned Police Station once in a week on every Friday between 10:00 a.m and 12:00 noon for a period of one month and thereafter as and when called by the Investigating Officer till the filing of the chargesheet;

iii) Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)