

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.442 OF 2019

Mahendra Onkar Wagh, Age 55 years,
R/o.Flat No.101, Saimala Garden,
Building No.6, Kalian Murbad Road,
Opp.Seema Resort, Tal.Kalyan, Dist.Thane.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vaibhav Ugle for applicant.

Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th February 2019

PC :

1. This is an application for anticipatory bail in CR No.I-266 of 2018 registered with Ulhas Nagar Police Station for offences under Sections 376, 417, 406, 504, 323, 506(2) of Indian Penal Code.

2. The FIR was lodged on 29th October 2018. The complainant is a woman aged about 40 years. She got acquainted with the applicant in the year 2001. Thereafter both of them had developed a relationship. They stayed together. There was physical relationship between them. It is alleged that the applicant is residing with complainant as husband since last eighteen years. It is alleged that he solemnized the marriage with complainant ten years ago. It is further alleged that the applicant had mortgaged ornaments of the complainant and had obtained loan of Rs.2.25 lakhs which was misappropriated by him. The applicant had also withdrawn Rs.60,000/- from the joint account of applicant with the complainant

and also misappropriated the said amount.

3. The applicant was granted interim protection by Sessions Court and subsequently the application was rejected vide order dated 1st February 2019.

4. apparently the complainant and the applicant were in relationship for a period of eighteen years. The ornaments were allegedly mortgaged in the year 2017. The amount of Rs.60,000/- was also withdrawn allegedly in the year 2017. The FIR was lodged on 29th October 2018. It appears that at the time of lodging of FIR, there is dispute between the applicant and complainant. Learned APP submits that the applicant is working in police department. He had induced the complainant to have physical relationship. The amount as stated above was misappropriated by him.

5. The FIR states that since 2001 the applicant got acquainted with the complainant. The FIR also mentions that for a period of about eighteen years the complainant and applicant had stayed together as husband and wife. The ornaments were allegedly mortgaged in the presence of the complainant. Apparently the relationship was cordial until lodging of FIR. Considering the nature of allegations, custodial interrogation of the applicant is not necessary.

6. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.442 of 2019 is allowed and disposed off;

- (ii) In the event of arrest of applicant in connection with CR No.I-266 of 2018 registered with Ulhas Nagar Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer of Ulhas Nagar Police Station as and when called for till filing of charge sheet;
- (iv) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST