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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY***

***CRIMINAL APPELLATE JURISDICTION***

***ANTICIPATORY BAIL APPLICATION NO.586 OF 2017***

Shashank Kshamanath Dubey ..Applicant.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.Ghanshyam Upadhyay i/b. Law Juris for the applicant.

Ms.Rutuja Ambekar, APP for the respondent-State.

Mr.Rajesh More for respondent No.2 - Intervenor.

***CORAM : NITIN W. SAMBRE, J.***

***DATE : JANUARY 28, 2019***

**P.C.:-**

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

2. In crime No.346/2016 for offence punishable under sections 498(A), 323, 504 and 506 of the Indian Penal Code registered with Khargar police station, Navi Mumbai, the applicant is seeking pre-arrest bail.

3. The present applicant was married on December 1, 2009. Out of marital discord, the allegations in the complaint

against the applicant are of physical assault, non payment of maintenance of and taking away the articles of the complainant.

4. This Court on April 10, 2017 has granted ad-interim protection in favour of the applicant. Subsequent to that, the applicant has appeared before the investigating officer.

5. Prayer for bail is opposed on two grounds :-

a) That Streedhan is required to be recovered, and

b) That the applicant has failed to appear in the proceedings Misc. Application No.376/2018 pending in the Court of the learned Judicial Magistrate First Class, 6th Court, Pune.

5. As far as non appearance in the proceedings which are pending before the learned Judicial Magistrate First Class, 6th Court, Pune is concerned, Mr.Upadhyayy, learned counsel for the applicant, on instructions, volunteers that the applicant would attend the said proceedings on the next date and he waives notice for the applicant before this Court in the Misc. Application No.376/2018 pending before the Judicial Magistrate First Class, 6th Court, Pune.

6. As such, the service of the applicant in the said proceedings i.e. Misc. Application No.376/2018 is complete and

the learned Magistrate to proceed in the said matter.

7. So far as recovery of the Streedhan and articles of non applicant No.2 are concerned, the same can be agitated in an appropriate matrimonial proceedings. In my opinion, a case for pre-arrest bail is made out. Hence the order :-

- i) In the event of arrest in Crime No.346/2016 for offence punishable under sections 498(A), 323, 504 and 506 of the Indian Penal Code registered with Khargar police station, Navi Mumbai, the applicant be released on bail on his executing P.R. bond of Rs.25,000/- with one or two sureties in the like amount;
- ii) The applicant shall attend the Investigating officer on 4th, 7th, 11th and 18 of February, 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed;
- iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iv) The applicant shall co-operate with the investigating agency;
- v) The application stands disposed of accordingly.

8. If any proceedings are taken out by the complainant i.e. non applicant No.2 for recovery of the Streedhan and other

articles, the same be decided by the competent Court without being influenced by the present order.

*(NITIN W. SAMBRE, J.)*