

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

ANTICIPATORY BAIL APPLICATION NO.893 OF 2018

Nishant Chandrakant Salunke

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

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Mr.Machchhindra R. Bodke i/b. Acharya Manthira M.A., Advocate
for the Applicant.

Mrs.Geeta P. Mulekar, APP for the Respondent - State.

Ms.Heena Survarnakar i/b. Mr.K.S. Patil, Advocate for
Respondent no.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

This is an application for bail in connection with C.R.No.18 of 2018, registered with Agripada Police Station, Mumbai, for the offences punishable under Sections 498-A, 420, 465, 468, 506 read with 34 of Indian Penal Code ("IPC", for short) and under Section 66(C), 67 of Information Technology Act ("IT Act", for short). First Information Report ("FIR", for short) was lodged on 19th January, 2018.

2 The prosecution case is that the first informant and the applicant had solemnized their marriage on 9th February, 2011. Thereafter, the accused had repeatedly harassed her. The mother-in-law and father-in-law of the accused had also subjected her to ill treatment. There was demand of money from the accused. Applicant had allegedly maintained illicit relationship with another woman. The complainant was repeatedly abused and threatened. It is alleged that the first informant has also filed the proceedings under the Domestic Violence Act. Applicant is the husband of the complainant. The accused have committed offences of forgery.

3 Applicant preferred an application for anticipatory bail before the Sessions Court, which was rejected on 17th April, 2018. Applicant thereafter preferred the present application before this Court. The matter was referred for mediation, however, the report was received stating that the mediation has failed. By order dated 27th April, 2018, applicant was granted interim protection with direction to appear before this court on 2nd May, 2018. The applicant had remained present before this Court on 2nd May, 2018. He had undertaken that he will not sent any defamatory messages to his wife or his daughter. Applicant

had also undertaken not to misuse the Facebook profile of the complainant and he would not make any call from his mobile phone to respondent no.2 or his daughter or do not contact them to any mobile or any of the social or electronic media.

4 I have perused the FIR and the other documents annexed to this application. FIR was lodged on 19th January, 2018. The dispute has arisen on account of the matrimonial dispute between the parties. The complainant has also initiated proceedings under the D.V. Act and the same is apparently pending before the appropriate Court. Learned APP submitted that the complainant was repeatedly harassed by the accused. Apart from harassment, the accused have also forwarded messages which is defamatory in nature against the complainant. Applicant - accused has allegedly hacked the mobile phone of the complainant. Learned counsel for the intervener has also opposed grant of relief and reiterated the submissions advanced by learned APP. As stated above, the marriage between the parties was solemnized in 2011. The dispute is on account of differences between the parties. Considering the interim order passed earlier, custodial interrogation of the applicant is not required. Hence, case for grant of anticipatory bail is made out.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Interim order dated 27th April, 2018, is confirmed. Anticipatory Bail Application No.893 of 2018, is allowed;
- (ii) In the event of arrest of the applicant, in connection with C.R.No.18 of 2018, registered with Agripada Police Station, Mumbai, he may be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend Agripada Police Station, Mumbai and when called for by the investigating officer, till filing of the charge sheet;
- (iv) Anticipatory Bail Application stands disposed of;

(PRAKASH D. NAIK, J.)