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

ANTICIPATORY BAIL APPLICATION NO.1701 OF 2019

Snehasis Batabyal	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.Manoj Prajapati, i/b Mr.Prashant Goyal, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd AUGUST, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.39 of 2019 registered with the Powai Police Station, Mumbai, for the alleged offences punishable under Sections 380, 409 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant is the husband of the complainant and that the aforesaid C.R. is lodged pursuant to a matrimonial dispute between them. He submitted that it is

alleged by the complainant that when the applicant went to meet their son, the applicant committed theft of Rs.1,60,000/-. Learned Counsel for the applicant submitted that at no point of time, the applicant entered the complainant's house and that the applicant met his son outside the complainant's house. He submitted that the allegations against the applicant are false and baseless

4. Having perused the papers as well as the FIR, it appears that matrimonial proceedings are pending between the parties in the Family Court. Criminal cases are also pending between the parties. It appears that Consent Terms were filed by the applicant and the complainant in the Family Court and that pursuant to the said Consent Terms, the applicant executed a Gift Deed i.e. gave 50% of the share in the flat to the complainant and 25% to their son. It appears that despite the complainant agreeing to withdraw all the cases lodged against the applicant, pursuant to the Consent Terms and Gift Deed executed by the applicant, till date the complainant has not withdrawn the said cases.

5. Be that as it may, in the facts of the present case, custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 10th August, 2019, between 10.00 a.m. to 12.00 noon.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.