

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2078 OF 2018

Sameet Vijay Gawand .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Ms Mallika Ingale, Advocate, for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent No. 1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. I-203 of 2018 registered with the Chitalsar Police Station, Thane, for the alleged offences punishable under Sections 498A, 323, 504 & 506 of the Indian Penal Code.

3. Perused the papers. It appears that the Applicant and the Complainant got married in 1997 and the Complainant started

residing in her matrimonial house alongwith the Applicant and in-laws. It appears that it was a love marriage. According to the Complainant, after marriage, the Applicant started assaulting and abusing her. She has alleged that the Applicant would come home late after partying with friends. It appears that a boy was born from the said wedlock in 2004 and that prior to that i. e. in 2002, the Applicant and the Complainant had started living separately, from the in-laws. According to the Complainant, the Applicant would suspect her character and would mentally harass her. In 2009, it is alleged that the Applicant eloped with his cousin brother's wife and returned after 10-12 days. According to the Complainant, one girl met her on 17.04.2018 and revealed that the Applicant was having affair with her. Pursuant to the aforesaid, a complaint was filed with the Chitalsar Police Station, Thane alleging the aforesaid offences.

4. It appears that there is domestic violence proceeding, which is pending in the Court of the learned Magistrate. The marriage between the Applicant and the Complainant was solemnized about 21 years ago. There is no demand for dowry.

Whether the allegations made by the Complainant would constitute an offence under Section 498A of the Indian Penal Code or not, is a matter which will be decided by the trial Court. In the facts, custodial interrogation of the Applicant is not warranted.

5. Having regard to the aforesaid, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 20,000/-** with one or two sureties in the like amount.

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

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

(REVATI MOHITE DERE, J.)