

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 159 OF 2019

Abhishek Dashrath NimseApplicant

v/s.

The State of Maharashtra
and anr.Respondents

Mr. B.G. Tangsali, Advocate for the applicant.

Mrs. Rutuja Aambekar, APP for the State.

CORAM : SANDEEP K. SHINDE, J.***Wednesday, 15th January, 2020.*****P.C. :**

1. Heard.
2. Wife of the applicant lodged First Information Report on 5th November, 2018 whereupon Crime No. 492/2018 came to be registered under Sections 376(2)(n), 417, 341, 504, 506 of the Indian Penal Code.
3. Complainant and the applicant were acquainted with each other since 2013. On 26th March, 2018 they had performed marriage and registered it with the Sub-Registrar, Thane.

Seven months thereafter, complaint was filed by the wife against the husband. Apprehending arrest, the applicant had approached the learned Sessions Court and thereafter to this Court.

4. I have perused the complaint. It appears the complainant has also filed proceedings under the Domestic Violence Act, as well as, under Section 125 of the Criminal Procedure Code. In view of the facts of the case vide order dated 18th January, 2019, parties were referred for mediation.

5. Counsel for the applicant submits that, complainant has not participated in the mediation proceedings. Additionally, he submits that the complainant is also not participating in the proceedings filed under the Domestic Violence Act nor in the divorce proceedings filed by the applicant in the Court of Civil Judge Senior Division, Thane.

6. Be that as it may, having regard to the facts and circumstances of the case and the nature of accusations, custodial interrogation of the applicant is not required. The Anticipatory Bail Application is therefore allowed.

7. In the event of arrest of the applicant, he is directed to be released on bail in C.R. No.492/2018 registered with Rabale Police Station on furnishing P.R. Bond of Rs.10,000/- (Rs. Ten Thousand only) with one or two sureties in the like sum.

8. The applicant shall attend the concerned Police Station as and when called.

9. The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today;

10. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

11. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)