

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
Anticipatory Bail Application/710/2020

Martin Ashok Kale ... Applicant

V/s.

The State Of Maharashtra ... Respondent

Mrs. Anushka A. Shreshtha for the Applicant.

Mr.S.S. Pednekar- APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 23rd JULY, 2020.

PC. : (Through Video Conference)

. Heard by video conferencing.

2. This is an application under section 438 of Cr.P.C. The applicant apprehends his arrest in Crime No. 127 of 2020, registered at Vashi Police Station for the offences under section 498(A), 377, 323, 504, 406 and 34 of Indian Penal Code.

3. The applicant was married to the complainant on 26th February 2019. A discordant note had struck between the parties and hence they had started residing separately. Whereas, the brother of the complainant was residing with them. There used to be frequent quarrels between the applicant and his spouse and his brother-in-law normally interfered. That, in October 2019 there was a serious quarrel

between the spouses and hence from December 2019 the applicant was residing with his friend. The complainant was insisting upon him to give money to her brother.

4. On 7th January 2020 the applicant was constrained to approach the police station and lodge a report against the complainant under section 506 of Indian Penal Code which was registered as N.C. Complaint No. 57 of 2020. On another occasion the applicant was further constrained to lodge a report with Vashi Police Station. On the basis of which N.C. Complaint No. 131 of 2020 was registered against the complainant. It is clear that there were differences between the spouses. The parents of the applicant have also approached the Maintenance Tribunal Sub Division, Vashi against the present applicant and his wife as they were not being taken care of by the applicant at the behest of the complainant.

5. On 8th March 2020, the complainant had approached Vashi Police Station and lodged a report against the applicant and his parents alleging therein that she was harassed, ill-treated by her spouse and in-laws. There are also allegations of having unnatural intercourse with the complainant.

6. That, taking into consideration the above mentioned facts, it is clear that custodial interrogation in the present case would not be imperative. Hence, the applicant deserves protection under section 438 of Cr.P.C.

ORDER

- i) The application is allowed
- ii) In the event of arrest, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one and more solvent sureties in the like amount.

7. The application is disposed of.

8. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on a digitally signed copy of this order.

(SMT. SADHANA S. JADHAV, J)