

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

CRIMINAL APPLICATION NO. 444 of 2019

Anula Niraj Bedekar ... Applicant

V/s.

The State of Maharashtra ... Respondent

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T. Thatte for the Applicant.

A. A. Takalkar, APP for the State/Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21th JANUARY, 2020.

P.C. :

The Applicant seeks relaxation of condition imposed upon her vide order dated 18th November, 2019 passed by the Learned Sessions Judge in Criminal Bail Application No. 5284 of 2019.

2. The Applicant had preferred an application under Section 438 of the Criminal Procedure Code before the Sessions Court, Pune apprehending arrest in CR. No. 375 of 2019 registered with the Sinhagad Road Police Station, Pune for the offences under Section 498A, 323, 504 and 506(1) read with 34 of the Indian Penal Code.

3. The Complaint was lodged against the Applicant and others by sister in law of the Applicant. The prosecution case is that the Complainant was ill treated by the Accused. They used to taunt her for not giving silver pot and the other articles. The marriage between

the Complainant and Accused No.1 was solemnized on 1st January, 2016.

4. The Learned Sessions Judge granted Anticipatory bail to the Applicant vide order dated 18th November, 2019. However, condition was imposed that the Applicant shall not leave India without permission of the Court. The Applicant had preferred an application for modification of the said order before the Learned Sessions Judge, Pune which has been rejected by order dated 27th November, 2019.

5. The Applicant contends that she is a permanent resident of Canada. Since 9th May, 2014, the Applicant had become permanent resident of Canada. She is residing in Canada with her husband and two minor children. She is resident of Canada prior to the marriage of the Complainant. The Applicant is sister in law of the Complainant. She has not been attributed role amounting to cruelty envisaged under Section 498A of the Indian Penal Code in the First Information Report. She was not residing with co-accused at the time of the alleged incidents mentioned in the FIR. Her minor children are studying in Canada. Apprehending arrest she preferred application by remaining present before the Court. In view of the condition imposed by the Sessions Court, the Applicant had continued to stay in India. It is submitted that on completing investigation charge-sheet has been filed against the Applicant before the Court of

Learned JMFC at Pune.

6. It is submitted that the Applicant intends to go to Canada and hence the aforesaid condition may be relaxed. The Applicant has filed an affidavit-undertaking dated 09th January, 2020 stating that she would be available as and when required by the Trial Court for the purpose of trial. She would forthwith inform material change in the information provided in this undertaking to the prosecution.

7. Learned APP submits that the role attributed to the Applicant was allegedly making call from Canada to the Complainant Complainant and abusing her. It is confirmed that the charge-sheet has been filed against the Applicant and the other Accused and the proceedings are pending before the Trial Court.

8. The prosecution was initiated for the aforesaid offences. The Applicant is resident of Canada. It is contended by the Applicant that she is residing in Canada since 2014. The undertaking filed by the Applicant indicates that Applicant would be available for the trial as and when directed by the Court. She would not dispute her identity. The details about her residence, permanent residence status in Canada are provided in the undertaking. The Applicant is a married lady having two minor children who are studying in Canada. It is also pointed out that the Applicant is represented by the lawyer

before the Trial Court.

9. In view of the aforesaid undertaking and the factual matrix of this case, there is no impediment in granting the relief by modifying order dated 18th January, 2019 passed by the Sessions Court.

ORDER

- a. Criminal Application 444 of 2019 is allowed.
- b. The order dated 18th November, 2019 passed by the Sessions Court in Bail Application No. 5284 of 2019 directing that the Applicant shall not leave India without permission of the Court is relaxed and the Applicant is permitted to leave India to stay in Canada.
- c. The Applicant shall abide by the undertaking dated 9th January, 2020 filed in this Court.

(PRAKASH D. NAIK, J.)