

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2389 OF 2018

Mr. Harsh Vinod SachdevApplicant

V/s.

The State of MaharashtraRespondent

Mr. Aabad Ponda a/w. Mr. Kunal Malhotra a/w. Mr.
Yash Jariwala a/w. Mr. Nikhil Mangole i/by.
Ranjit Sangle, Advocate for the applicant.

Mr. Yash Vyas i/by. Rizwan A. Siddiquie, Advocate
for the Intervenor in APPP-479-2019.

PSI, Shivaji M. Hulge, D.N. Nagar Police Station
present.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 4 February, 2020.

P.C. :

1. Heard.
2. The applicant, who is the husband of the complainant, seeks pre-arrest bail in Crime No. 489/2018 registered with D.N. Nagar Police

Station for the offences punishable under Sections 498A, 420, 406, 504, 354, 323 read with Section 34 of the Indian Penal Code.

3. On 24th November, 2018 this Court had granted interim pre-arrest protection to the applicant on certain terms and conditions, which is in force till date. As also, pursuant to order of this Court, applicant has deposited Rs.40 lacs in the Registry of this Court. Additionally, correspondence on record and more particularly letter dated 6th September, 2018 addressed to mother of the applicant suggest, ornaments given by the parties to each other were returned and received by the parties respectively. Thus, having regard to the facts of the case, in my view, custodial interrogation of the applicant is not necessary and thus application is allowed.

4. It appears, this Court had directed the applicant to handover his cell phone to the Investigating Officer by order dated 6th January, 2020. The learned Advocate has filed an Affidavit of the applicant and explained as to why the

applicant could not handover mobile phone to the Investigating Officer and has also placed on record, a letter addressed by the applicant to the concerned Investigating Officer dated 8th January, 2020. I have perused the letter and affidavit is taken on record and marked X-1 for identification. Explanation is accepted.

5. At this point, learned Counsel for the applicant seeks leave to withdraw Rs.40 lacs deposited by the applicant in Registry of this Court.

6. Mr. Ponda, learned Senior Counsel for the applicant, on instructions states that applicant has no objection and permits the complainant to withdraw Rs.40,00,000/-. The statement is accepted. Hence, the following order :

(i). In the event of arrest of the applicant in Crime No. 489/2018 registered with D.N. Nagar Police Station, he shall be released on bail on furnishing P.R. Bond of Rs. 25,000/-

(Rs. Twenty Five Thousand only) with one or two sureties in the like sum.

(ii). The applicant shall attend the concerned Police Station as and when called.

(iii). 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.

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

7. The Registry shall permit complainant-intervener herein to withdraw, without further insisting upon say/no-objection of the applicant in view of the statement of the applicant recorded hereinabove.

8. It is made clear that observations made hereinabove shall 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.)