

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.263 OF 2021

1. Kunal Subhash Koalmbe
2. Shobha Subhash Koalmbe
3. Hemlata Ghadiali
4. Ashish Ghadiali ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Abhinandan M. Waghmare, Advocate for the Applicant.
Mr. S. S. Pednekar, APP for the Respondent – State.
Mr. G. P. Kocharekar, P. S. I. Ambernath (W) Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 25th FEBRUARY, 2021

PER COURT:

1. The applicants are apprehending arrest in connection with complaint, if any filed by the wife of the applicant No.1.

2. It is contended that there is matrimonial discord between the applicants and complainant. The applicants were called at Ambernath (West) Police Station in relation to the complaint filed by the wife of applicant No.1. Hence on apprehending arrest they preferred an application for anticipatory before the Sessions Court. The Sessions Judge rejected the application on the ground that there is no apprehension of arrest since the FIR has not been registered.

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3. It is submitted that the applicant No.1 is employed as assistant manager and the applicant No.2 is mother of applicant No.1. Applicant No.3 is sister of applicant No.1 and applicant No.4 is husband of applicant No.3.

4. It appears that the FIR has not been registered but the fact that the applicants were called at the Police Station and inquiry was made in relation to complaint by wife of applicant No.1 which was purportedly for offence under Section 498-A of IPC. In these circumstances, in the event the FIR is registered against the applicants, 72 hours notice of arrest in writing be given to the applicants by the concerned Police Station. Application stands disposed of accordingly.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)