

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.308 OF 2018**

Sanjay Ambadas Kamble

.. Applicant

vs.

The State of Maharashtra and ors.

.. Respondents

 Mr. Akhilesh Upadhyay for the Applicant.

Mr. N.B. Patil, APP for the Respondent-State.

Mr. Mahesh Haridas Chandanshiv for Respondent No.2.

 Mr. Shrikant Dhumal, Police Sub-Inspector of Juhu Police Station,
Mumbai is present.

CORAM : M.S.KARNIK, J.
DATE : JULY 12, 2021**(THROUGH V.C.)****P.C.**

Heard learned counsel for the Applicant, learned APP for the Respondent-State and learned counsel appearing on behalf of the complainant.

2. This is an application for pre-arrest bail. The alleged offence is under Section 498-A, 504, 506(2), 406, 354, 509, 34 of the Indian Penal Code and Section 67 of the Information Technology Act. The FIR is dated 21.06.2017.

3. The Applicant is the husband of the complainant-Mrs. Rajshree Sanjay Kamble. It is the complainant's case that she married with the Applicant on 21.04.2007. It is the complainant's case that the Applicant was not working and therefore the

complainant was required to work as housemaid in several households. The complainant was driven out of the house some time in the year 2009. Even after the complainant gave birth to a baby girl on 26.01.2009, no one from her in-laws side came to see her child. The complainant's father paid an amount of Rs.80,000/- in cash to the Applicant with the hope that he will treat the complainant well. The complainant was ill-treated. There are allegations that on two occasions the in-laws administered poison to the complainant, first time in January 2012 and then on 14.12.2016.

4. Mr. Chandanshiv appearing on behalf of the complainant opposed the Application. He submits that considering the serious nature of the allegations and considering that on as many as two occasions poison was administered to the complainant by the accused, this is not a fit case for releasing the Applicant by granting pre-arrest bail.

5. The reading of the FIR indicates that the allegations made against the Applicant and the complainant's in-laws are general in nature. Even the allegations regarding administering poison are directed against the in-laws and the complainant has merely mentioned that the Applicant supported the in-laws in these activities of ill-treatment and harassment. The complaint was made for the first time on 21.06.2017 though the incident alleged is of 14.12.2016. In the FIR, the Complainant has stated that the in-laws

informed her that the Applicant has an affair with a girl name Afrin and that he has married her and are staying together.

6. In my opinion, the custodial interrogation is not required in the present case. Hence, the following order :-

ORDER

(i) In the event of the arrest of the Applicant in respect of C.R. No.330 of 2017 dated 21.06.2017 registered with Juhu Police Station, Mumbai, the Applicant shall be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

(ii) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

(iii) The Applicant shall co-operate with the Investigating Officer and report to the Police Station once a week every Wednesday between 1.00 p.m. to 2.00 p.m. till the filing of the chargesheet.

7. The Anticipatory Bail Application is disposed of.

(M.S.KARNIK, J.)