

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 602 OF 2021

Vishal Mohan Bhoir	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Sachin H. Deokar, Advocate for the Applicant.
 Ms. Veera Shinde, APP for the Respondent – State.
 Mr. R. Phad, A. P. I. Kasarwadavali Police Station, Dist. Thane,
 Present.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	5th MARCH, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 27 of 2021 registered with Kasarwadavali Police Station, Dist. Thane for offences under Sections 498-A, 494, 323, 504 & 506 r/w Section 34 of Indian Penal Code.

2. The First Information Report (for short “FIR”) was lodged on 26th January, 2021. The marriage was performed with the applicant on 26th April, 2012. It was love marriage. The complainant then started residing with the applicant and his family members at her matrimonial home. She was ill treated and assaulted. The accused were suspecting her character. She was mentally tortured. She was assaulted on 22nd March, 2013, after that she lodged the complaint. On 25th May, 2013 she delivered the baby girl. On 25th

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December, 2016 she had visited her parents and thereafter, she resided separately on rental premises with the applicant. However, on 30th December, 2016 the applicant had left from the said premises. The ornaments of complainant were lying with in laws.

3. Learned counsel for the applicant submits that the complaint is false. The custodial interrogation of the applicant is not necessary. The complainant had left the matrimonial home in 2016. She initiated proceedings under the Domestic Violence Act in 2017 and present FIR was lodged on 26th January, 2021. It is further submitted that the applicant has not performed second marriage.

4. Learned APP submitted that the complainant was continuously harassed by the applicant and others. The applicant is husband of complainant. Specific role has been attributed to the applicant. Learned APP pointed out the document in respect to the second marriage purportedly performed by the applicant. The applicant is also charged for offence under Section 494 of IPC. It is further submitted that the applicant is husband of complainant and instrumental in causing harassment to her.

5. On perusal of the FIR it is evident that the marriage was performed in 2012. The FIR was lodged on 26th January, 2021. Before registration of FIR, proceedings under Domestic Violence Act

were initiated by the complainant and the same is pending before the concerned Court. The other accused were granted anticipatory bail by the Sessions Court. However, considering the nature of allegations and since the dispute arises out of matrimonial discord between the parties, the applicant need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 602 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with C.R. No. 27 of 2021 registered with Kasarwadavali Police Station, Dist. Thane, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the investigating officer on 15th, 16th & 17th March, 2021 between 11.00 a.m. to 1.00 noon and shall cooperate with the investigation.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)