

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

**BAIL APPLICATION NO.1979 OF 2021
ALONGWITH
INTEIRM APPLICATION NO.1617 OF 2021
WITH
INTERIM APPLICATION NO.1540 OF 2021**

Raj Ramdev Tyagi
Vs.

.. Applicant

The State Of Maharashtra

.. Respondent

Mr.Rajeev Patil, Sr. Adv. a/w Mr. Niranjan Mundargi & Karan Varma i/b Rajeev Sawant & Associates, Advocate for Applicant in BA.

Mr. Sanjog Parab Sr.Advocate i/b Parab & Associates advocate for applicant in IA.

Mr. A.R. Kapadnis, A.P.P. for the State-Respondent.

API Gawli, Warli Police Station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 23RD JUNE, 2021

PC.

1. This is an application for bail in connection with C.R. No.271 of 2020 registered with Worli Police Station for the offence under Sections 498-A, 323, 504, 506, 307, 506(2) of Indian Penal Code (for short "IPC"). The applicant was arrested on 21.03.2021.

2. The complainant is the wife of the applicant. Their marriage was solemnized on 28.12.1996. There are four issues

out of wedlock. Both parties had deliberations to resolve the disputes between them.

3. The applicant has filed affidavit reproducing the terms. The affidavit has been executed before the Jail Official where the applicant has been detained. As per the terms reflected in the affidavit of the applicant, he has agreed to bear educational expenses of his children, Riya, Reva, Arish and Aryan in order to support them in completing their educational curriculum. He has undertaken not to create third party rights title, interest etc. in respect to residential flat viz. Flat No.31, Purnima building, Worli, Mumbai till the disposal of divorce proceedings, pending before family Court Mumbai. The applicant agreed to purchase the residential flat for his wife Diana Tyagi at Bandra(West) equivalent to the size of the current flat situated at Worli or hand over the possession of the Flat No.31, situated at building at Worli, Mumbai. Learned counsel for applicant, on instructions, submits that applicant would endeavour to hand over possession of the flat as stated above within a period of three months. The affidavit further mentions that the applicant would

not disturb in any manner the membership of four children, Riya, Reva, Arish and Aryan which is currently in subsistence in the NSCI Club, Worli, Willingdon Club and the Police Gymkhana which are situated in Mumbai and that they would be entitled to utilize the facilities in the said Club which vests in his name. The applicant has also stated that he has decided to dissolve the matrimonial relations in connection with Divorce Petition pending before the Family Court Bandra by granting consent for the same, and he shall not enter the jurisdiction of Bandra Police Station (Bandra West) where his wife is currently residing. He also stated that as far as other pending issues, if any, including the claim of permanent alimony, of applicant's wife, the same shall be discussed in presence of respective parties and their attorneys. The endeavour would be made to amicably resolve the same. He was made to understand that after arriving at the consensus on the impending legal disputes, his wife shall also withdraw all the legal proceedings initiated against him at various forums viz. Family Court, Bandra & the Criminal proceeding before the Worli Police Station. Learned

Senior Advocate Mr. Parab appearing for intervenor/complainant/wife of applicant submitted that, complainant has agreed for the aforesaid terms and subject to compliance of clause 'C' to 'F' of the affidavit she has agreed for withdrawal of the said proceedings as stated above.

4. It was contended on the previous date of hearing that the complainant apprehend danger to her life and the children in view of alleged messages sent by applicant as pointed out by learned counsel for the complainant. The applicant in his affidavit has stated that applicant shall not enter the jurisdiction of Bandra West police station where the complainant resides.

5. Learned counsel for the complainant on instructions submits that in view of the affidavit filed by applicant bail can be granted to the applicant. It is further submitted that the word 'undertaking' is not reflected in the affidavit. Learned counsel for the applicant on instructions submitted that this affidavit may be treated as undertaking to this Court. Statement is accepted. Affidavit is taken on record and marked as 'X' for

identification.

6. Learned APP submitted that condition be imposed that applicant shall not intimidate the complainant and their children. The gun has been seized during investigation from applicant and in the event the applicant demands the said Arm, he shall make application to trial Court for return of Arm, and it may be directed that the Court shall decide the said application on merits.

7. In the light of the aforesaid circumstances bail can be granted to the applicant on certain terms and conditions.

ORDER

- (i) Bail Application No.1979 of 2021 is allowed;
- (ii) The Applicant is directed to be released on bail in connection with C.R. No.271 of 2020 registered with Worli Police Station on furnishing P.R. Bond in the sum of Rs.50,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report the Worli Police Station, Mumbai, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further orders;
- (iv) Applicant shall not tamper with the evidence and shall not intimidate the complainant, their children or any other

witness;

(v) The applicant is permitted to furnish provisional cash bail in the sum of Rs.50,000/- for a period of 12 weeks in lieu of sureties.

(vi) In the event applicant prefers an application for return of Arm, seized by police, the trial Court shall decide the said application on merits;

(vii) The applicant shall abide by the terms reflected in the Affidavit filed by him;

(viii) In the event of breach of any conditions, the complainant/prosecution will be at liberty to prefer an application for cancellation of bail.

(ix) Bail Application and Interim Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)