

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

**ANTICIPATORY BAIL APPLICATION NO.1332 OF 2021**

Prasad Parshuram Dalvi .... Applicant

versus

State of Maharashtra .... Respondent

.....

- Mr.Suhail Shariff a/w Rinky Deb a/w Sameer Shariff i/b/ Falcn Legal, Advocate for Applicant.
- Mr.S.S. Pednekar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 05<sup>th</sup> JULY, 2021**

**(Through video conferencing)**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.124/2021 registered with Kapurbavdi Police Station, on 12/04/2021 under sections 323, 498-A, 504 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by wife of the Applicant. She has stated that she had got married with the Applicant on 19/04/2018. The FIR mentions about their marital discord. The

Applicant used to tell her that he did not like her. There are allegations that she was working and her salary was taken by the Applicant and his parents. The FIR mentions that the Applicant was keen on having their child at the earliest and for that purpose, the informant was harassed. It is alleged that the Applicant's uncle and aunt were also instigating the Applicant. There are allegations that the informant was working in government service and yet the Applicant's family was not permitting her to attend her duty because of Covid. The basic allegations are about her harassment as the Applicant's family wanted the Applicant to have his child at the earliest. On this basis, FIR is lodged.

3. Heard Mr.Suhail Shariff, learned counsel for the Applicant and Mr.S.S. Pednekar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the the Applicant had sent a notice to the informant on 27/01/2021. He submitted that the informant is residing separately from the

Applicant from 08/01/2021. After sending this notice, the Applicant has also filed divorce proceedings before the Family Court at Mumbai on 24/02/2021 and thereafter this FIR was lodged as a counterblast on 12/04/2021. He submitted that no offence under any of the sections mentioned in the FIR are made out against the Applicant.

5. Learned APP relied on the averments made in the FIR to oppose this application. However, he submitted that the Applicant has attended the police station and has cooperated with the investigation.

6. I have considered these submissions. The FIR basically is based on the allegations mentioned hereinabove. The notice sent by the Applicant through his advocate, mentions that the informant was taking IVF treatment and there are allegations made by the Applicant against the informant that she had hidden this fact from the Applicant. He has also initiated divorce proceeding. Thus, this appears to be case of allegations and

counter allegations. The circumstances are unfortunate. However, it appears to be more of a matrimonial dispute than an offence u/s 498-A. There is some force in the submissions of learned counsel for the Applicant that only after the notice was issued and the divorce proceeding was filed, the informant has lodged this FIR as a counterblast to pressurize the Applicant and his family. However, it would not be proper to comment further on this aspect because the investigation is still going on. But the Applicant has sufficiently made out a case for granting anticipatory bail. As submitted by learned APP, he has attended the concerned police station and has cooperated with the investigation. Therefore he can be protected by an order of anticipatory bail. His custodial interrogation is not necessary.

7. Hence, the following order :

### **ORDER**

- (i) In the event of his arrest in connection with C.R.No.124/2021 registered with Kapurbavdi

Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**