

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

ANTICIPATORY BAIL APPLICATION NO.962 OF 2019

Mr. Kishan Jagram Prasad Jaiswal Applicant

Vs.

The State of Maharashtra Respondent

Mr. Sandeep Mishra for Applicant.
Ms. Sharmila S. Kaushik, APP for State.

Coram : NITIN W. SAMBRE, J.

Date : 22nd JULY, 2021

P.C.:

1. On 9th June, 2016, the complainant, Mrs. Sushma got married with the Applicant-Kishan. Out of matrimonial discord, domestic violence proceedings were initiated in the Court of J.M.F.C., Kalyan vide proceedings No. PWDA No. 181 of 2017.

2. The parties to the proceedings i.e. husband and wife resolved their dispute and started residing together on 26th August, 2018 after withdrawal of the aforesaid D.V. proceedings.

3. It appears that subsequently again differences arose and it is claimed by the complainant that the applicant is not properly treating her and was assaulted, which may at the most give rise to an offence under Section 323 of the Indian Penal Code.

4. Though, the learned APP has opposed the prayer for grant of bail, however, in the aforesaid backdrop and having regard to the allegations post withdrawal of D.V. proceedings and also the consent terms tendered in D.V. proceedings, in my opinion, the custodial interrogation of the applicant is not required. As such, a case for grant of pre-arrest bail is made out. Hence, following order is passed.

ORDER

(i) In the event of arrest in Crime No. 0113 of 2019 for offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code, registered with Kolsewadi Police Station, Kalyan, the applicant be released on bail on his executing P.R. bond of Rs.25,000/- with one or two sureties in the like amount;

ii) The applicant shall attend the Kolsewadi Police Station, Kalyan, as and when directed;

iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence.

5. The Application is disposed of in above terms.

(NITIN W. SAMBRE, J.)