

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

ANTICIPATORY BAIL APPLICATION NO. 1521 OF 2021

1. Dasganu Govind Hake
 2. Govind Lakshman Hake
 3. Sakhubai Govind Hake
 4. Yashoda Rajkapil Satgir
 5. Jana Govind Hake
 6. Mukta Ganpat Shrirame
 7. Ganpat Shrirame
 8. Geeta Hanmant Shrirame
 9. Anand Shrirame
- ... Applicants

Versus

The State of Maharashtra

... Respondent

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Mr. Mateen Shaikh, Advocate for the Applicants.
Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 2nd JULY, 2021.

PER COURT:

1. The relief which is sought in this application is that, pending the application for anticipatory bail before the Sessions Court at Thane, interim protection be granted to the applicants.
2. The applicants are apprehending arrest in C.R. No. 196 of 2021 registered with Rabale Police Station, Navi Mumbai, for

offences under Sections 498-A, 323, 504, 506 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 11th June, 2021. The applicant No.1 is the husband of complainant. The applicant No.2 is father-in-law and applicant No.3 is the mother-in-law of complainant. The applicant Nos.4 to 9 are the relatives of applicant No.1.

3. The applicants had preferred an application for anticipatory bail before the Sessions Court which is pending. Learned Sessions Judge has rejected the interim relief on 29th June, 2021 and the application has been posted for hearing on 5th July, 2021. In the order dated 28th June, 2021, it is observed that the notice under Section 41-A of Cr.PC. has not been complied. The applicants did not appear before the Police Station.

4. The contention of the applicants is that in the event they appear before the investigating officer, there is possibility of applicants being arrested. The applicant No.1 is working as clerk in Guru Gobind Singh Engineering College, Nanded. Nine persons are impleaded as accused in this case.

5. Learned APP submits that the application of the applicants is pending before the Sessions Court, no interim protection should be granted to the applicant. The accused has been

attributed role of causing harassment and cruelty to the complainant and amount was parted to the father of complainant. They have not attended Police Station after notice was issued to them.

6. Without adjudicating on merits it can be seen that the interim order was refused by the learned Sessions Judge on the ground that the applicant had not appeared before the Investigating Officer and thus non compliance of notice under Section 41-A of Cr.P.C. In these circumstances, pending the application before the Sessions Court, interim protection can be granted to the applicants pending their application before Sessions Court.

ORDER

(i) In the event of arrest of the applicants in connection with in C.R. No. 196 of 2021 registered with Rabale Police Station, Navi Mumbai, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;

(ii) This interim protection is granted till disposal of the application before Sessions Court.

(iii) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)