

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

ANTICIPATORY BAIL APPLICATION NO. 1547 OF 2021

Sandeep Chandrakant Salunkhe Applicant

Versus

The State of Maharashtra Respondent

Dr. Samarth S. Karmarkar i/b. Karmarkar and Associates for
Applicant.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 85 of 2020 registered at Bhayander Police Station, under sections 498A r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Dr. Samarth Karmarkar, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is

lodged by wife of the applicant. She has stated that she had got married with the applicant on 30/05/2013. She was told that the applicant had business of mobile recharge. But after marriage she found out that, he was not doing any work. She continued residing with the applicant's family members. She delivered twins on 12/02/2014. It is her case that the applicant was picking up quarrels unnecessarily and was demanding divorce from her. The F.I.R. goes on to mention that the applicant was not earning anything. He was addicted to liquor. He sold her ornaments and sometimes the informant was sent to her parental house. The F.I.R. shows that, there was intermittent cohabitation between the couple. There are allegations that the applicant's parents and sisters used to instigate the applicant. He used to pickup quarrels with her because of their instigation. In 2019, the applicant demanded expenses which he had spent for informant's second delivery. The F.I.R. further mentions that the applicant refused to look after informant and their children. He had instigated the landlord and others. They also harassed the informant. On these allegations, the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the couple was staying separately since 2018. The applicant had filed petition for restitution of conjugal rights before a competent court in the year 2018. The informant has filed a proceeding under the Protection of Women from Domestic Violence Act, 2012 before the competent court, in Thane. He, therefore, submitted that, this is a matrimonial dispute and no offence under section 498A of IPC is made out.

5. Learned APP relied on the averments in the F.I.R. to oppose this application.

6. I have considered these submissions. In the F.I.R. there is no specific serious allegation against the present applicant. Tenor of the F.I.R. shows that the dispute arose basically because the applicant was not looking after the informant and their children. The averments in the F.I.R. show that, it is a matrimonial dispute between the husband and wife. Allegations are not very specific and serious to attract section 498A of IPC. However, at this stage, it would not be proper to comment anything further on this aspect, because investigation is still going on. But considering that,

already two proceedings in different courts are pending between the parties and the allegations are not very serious, the custodial interrogation of the applicant is not necessary. He can be protected by an order or anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 85 of 2020 registered at Bhayander Police Station, the applicant is directed to be released on bail on his furnishing P. R. 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.)