

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

**ANTICIPATORY BAIL APPLICATION NO. 1755 OF 2021**

1. Babaji Laxman Rasam  
2. Vaibhav Sitaram Bhoir .... Applicants

Versus  
The State of Maharashtra .... Respondent

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Mr. Nitesh J. Mohite, for the applicants.

Mr. Ameet A. Palkar, APP for the State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.  
DATE : 29<sup>th</sup> JULY, 2021**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 170 of 2021 dated 02/07/2021 registered at Kongaon Police Station, Thane, under sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Nitesh Mohite, learned counsel for the applicants and Mr. Ameet A. Palkar, learned APP for the State.

3. The applicant No. 1 is the husband of the first informant and the applicant No. 2 is the husband of the applicant No. 1's sister.

4. The FIR is quite long and many unnecessary details are mentioned in it. The allegations in brief are as follows:-

The informant got married with the applicant No. 1 on 13/03/2019. Her parents had spent substantial amount during engagement and wedding ceremony. After the marriage the informant started residing with the applicant No. 1's family. It was a love marriage. The FIR refers to some petty domestic issues. It is not necessary to refer to all of them in this order because they do not concern these applicants. The allegations against the present applicants are that the applicant No. 1 did not want children soon after marriage and therefore he was avoiding to have physical relations. The allegations against the present applicant No. 2 is that on 15/05/2019, on one occasion, he had held her hand and pressed it.

On 20/03/2021, on one occasion, the applicant No. 1 had

slapped her. On another occasion, the applicant No. 2 took side of his wife in a quarrel between the informant and his wife. On 01/09/2019, on some petty issue, the applicant no. 1 beat her. There are allegations that on 23/02/2021, the applicant No. 1 uttered some obscene words against her. Similarly, quarrel attributed to the applicant No. 1 had taken place on 31/03/2021. On this basis the FIR is lodged.

5. Learned Counsel for the applicants submitted that there are general allegations against all the family members of the informant including sisters and mother of the applicant No. 1. They all were granted anticipatory bail except these two applicants. He submitted that their case is not very different from the applicants' case. He further submitted that the applicant No. 1 issued notice for divorce to the informant on 23/04/2021. He had filed divorce proceedings before a competent Court in May 2021. The informant herself had filed complaint under Protection of Women from Domestic Violence Act on 01/06/2021 and after all these, she had approached police to file the present FIR.

Obviously this is an after thought. He submitted that in the background of these litigations, custodial interrogation of the applicants is not necessary. He submitted that the applicants are willing to attend the police station and will co-operate with the investigation.

6. Learned APP opposed this application based on the averments made in the FIR.

7. I have considered these submissions. The FIR is unnecessarily too long giving minor details. The main allegations against the applicants are highlighted in the foregoing paragraphs. The incidents in question involving the present applicants, particularly of beating etc., had allegedly taken place in the year 2019. The other allegations are general and vague and for these allegations, the custodial interrogation of the applicants is not necessary.

8. There are pending litigations between the parties, the

applicant No. 1 had taken steps from April 2021. This FIR was lodged on 02/07/2021. In this view of the matter, the applicants' custodial interrogation is not necessary. They can be protected by an order of anticipatory bail.

9. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R. No. 170 of 2021, registered with Kongaon Police Station, Thane, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)