

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1884 OF 2021

Nikhil Sakharam Tapal

Applicant

versus

The State of Maharashtra

Respondent

Mr.Rahul S. Agarwal i/by Adv.Ajinkya Badar for applicant.

Mr.S.R.Agarkar, APP, for State.

API Yogeshkumar Shirsat, Kalwa Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 15th September 2021

PC :

1. This is an application for anticipatory bail in CR No.191 of 2021 registered with Kalwa Police Station for offences under Sections 498A, 406, 323, 494, 504 r/w 34 of Indian Penal Code.

2. The FIR was registered on 16th June 2021. The first informant is the wife of applicant. The complainant has alleged that from 20th June 2020 to December 2020 the applicant, mother-in-law and father-in-law of the complainant had subjected her to physical and mental cruelty. The marriage was performed on 6th May 2013. In spite of the fact that marriage was in force, the applicant (husband) had performed second marriage on 22nd June 2020. It is also alleged that stri-dhan was misappropriated.

3. The applicant and the co-accused preferred application for anticipatory bail before Sessions Court. Learned Sessions Judge by order dated 31st July 2021 allowed the application of co-accused and the relief was refused to the applicant.

4. The dispute arises out of matrimonial discord. The marriage was performed in 2013. The FIR was registered in 2021. The applicant has contended in this application that custodial interrogation is not necessary. There is delay in lodging the FIR.

5. Learned APP submitted that investigation is in progress. The co-accused were granted anticipatory bail by Sessions Court.

6. The FIR refers to the incidents of 2016, 2018, 2019 and 2020. The allegations were attributed to the accused. The co-accuses were granted anticipatory bail. Section 494 of IPC is bailable. Considering the factual aspects of the matter, the applicant can be directed to attend Investigating Officer and co-operate in investigation. Custodial interrogation is not warranted. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.191 of 2021 registered with Kalwa Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall appear before Investigating Officer on 22nd, 23rd and 24th September 2021 between 11 am and 1 pm and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST