

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

ANTICIPATORY BAIL APPLICATION NO. 1989 OF 2021

Sandeep Pyarelal Rajbhar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ayush Pasbola a/w Ms. Divya Singh, Advocate for the Applicant.

Mr. R. M. Pethe, APP for the Respondent – State.

Mr. Santosh Pingane, Tulinj Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 28th SEPTEMBER, 2021

PER COURT:

1. The applicant is apprehending arrest in C.R. No. 755 of 2021 registered with Tulinj Police Station for offences under Section 498-A, 376 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 12th June, 2021.

2. The marriage between the complainant and the applicant was solemnized on 6th March, 2018. According to the complainant she was subjected to harassment by the husband and in-laws. It is alleged that the brother-in-law had forcible physical relationship with her.

3. The applicant was granted interim protection by order dated 1st September, 2021. The order indicate that the primary evaluation of the FIR does not suggest that the applicant was harassing the complainant with a view to coerce her to meet unlawful demands. The interim protection was granted on certain conditions. The other accused except brother-in-law of the complainant were granted anticipatory bail. The brother-in-law of the complainant was arrested and he is in custody. Charge-sheet has been filed against him.

4. Learned counsel for the applicant on instructions submitted that interest of the child he would be protected by applicant. He would bear all the expenses towards the welfare of the child. The allegations towards commission of offence under Section 376 of IPC were attributed to the brother-in-law of the applicant and he is in custody since 14th June, 2021. Considering the factual aspects, interim protection granted to the applicant can be confirmed.

5. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No.1989 of 2021 is allowed;
- (ii) Interim order dated 1st September, 2020 is confirmed.

(iii) In the event of arrest of the applicant in connection with C.R. No. 755 of 2021 registered with Tulinj Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iv) The applicant shall appear before the investigating officer as and when called for.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)