

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

ANTICIPATORY BAIL APPLICATION NO.2706 OF 2019

Kalicharan Vasant Shivjatak	 Applicant
Versus	
The State of Maharashtra	 Respondent

None for the Applicant. _____
Smt. G.P. Mulekar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th SEPTEMBER, 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.250/2019 dated 17.9.2019 registered at Kalamboli Police Station, Navi Mumbai under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. The FIR was lodged by the applicant's wife against the applicant and other family members. The applicant was protected by the order dated 10.12.2019. Considering the factual aspects, this Court (Coram: Prakash D. Naik, J.) had granted interim protection to the applicant. It was observed

that the complainant had initiated proceedings under the Protection of Women from Domestic Violence Act prior to registration of the FIR. It was also observed that the FIR mentions that for more than a year the complainant was residing with her parents. With these observations, the applicant was granted interim protection with directions to report to the investigating officer on particular days.

3. Today, nobody appears for the applicant. However, learned APP, on instructions, makes a statement that the applicant has cooperated with the investigation. She has submitted a report dated 17.9.2021 of the Assistant P.I. Kalamboli police station, Navi Mumbai mentioning that no offence was disclosed against the mother-in-law and sister-in-law of the complainant. Said report dated 17.9.2021, is taken on record and marked "X" for identification.

4. Learned APP further submits that the charge-sheet was already filed against the applicant and that the investigating agency does not want the applicant's custody.

5. In this view of the matter, interim protection granted earlier to the applicant can be made absolute. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.250/2019 registered with Kalamboli Police Station, Navi Mumbai, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

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(SARANG V. KOTWAL, J.)