

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

ANTICIPATORY BAIL APPLICATION NO.8 OF 2022

Jignesh Ashokbhai Lumbhani Applicant

versus

State of Maharashtra Respondent

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- Ms.Shilpa Talhar, Advocate for Applicant.
- Mr.Mrityunjai Srivastav, Advocate for Intervenor.
- Smt.J.S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JANUARY 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.408/2021 registered with Bhayander Police Station, on 07/10/2021, under sections 498-A, 323, 504, 506, r/w 34 of the Indian Penal Code.

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2. Heard Ms.Shilpa Talhar, learned counsel for the Applicant, Mr.Mrityunjai Srivastav and Smt.J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by the Applicant's wife. They had got married on 06/07/2003. They had two daughters. The elder one is 17 years of age and the younger one is 11 years of age. They are residing with the Applicant. The Applicant is residing with his brother, his wife and parents.

4. The FIR mentions that after the marriage, there used to be quarrels between the informant and the other family members of the Applicant. Therefore the couple started residing separately. In 2008, the Applicant started his own business at village Buhari, District-Tapi. That time, the informant used to help him in his business. But her in-laws used to visit there and used to cause harassment to her. There are allegations that the Applicant was having illicit relations with other woman and he used to suspect the informant's character. There are allegations that sometimes he used to beat the informant. In 2017 the informant had come back to reside with her parents at Bhayander. She refused to go back to reside with the Applicant. At that time, the Applicant had threatened the informant's

mother. Therefore a complaint was lodged by the informant at Bhayander police station on 11/05/2017. In May 2021 the Applicant went to take the informant back to reside together. He threatened to commit suicide. Therefore the informant along with her daughters went to reside with the Applicant and his family members. The FIR mentions that on some occasion, the Applicant had obtained her signatures on blank papers purported to be divorce documents. After she resided with the Applicant's family in the year 2021, the other family members picked up quarrels with her. On one occasion when she had gone out with her husband, there was quarrel between them. The Applicant was constantly pressurizing her to withdraw the complaint which she had filed in the year 2019. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that the Applicant had filed divorce proceedings earlier and therefore as a counter blast to pressurize the Applicant, present FIR is lodged.

6. Learned counsel for the Intervenor submitted that the Applicant has retained important documents of the informant. He has also retained the Stridhan and other ornaments of the informant.
7. Learned APP opposed this application based on the averments made in the application.
8. I have considered these submissions. The allegations in the FIR are spread over from long period from the year 2003. The informant had already registered another complaint in May 2017. For long duration thereafter, they were not staying together. Even in 2021 they had attempted to stay together, but apparently it was unsuccessful. As submitted by learned counsel for the Applicant, the Applicant had initiated divorce proceedings. Thereafter this complaint is filed. Therefore in this background, the Applicant's custody is not justified. However he will have to co-operate with the investigation and if he has retained any documents, ornaments and articles, he will have to

return it to the informant. If he does not co-operate with the investigating agency, the State can file application for cancellation of this order.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.408/2021 registered with Bhayander Police Station, 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) 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.)