

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

ANTICIPATORY BAIL APPLICATION NO. 141 OF 2022

Sanjeev Phool Singh

.... Applicant

Versus

The State of Maharashtra & Anr.

.... Respondents

Mr. R. U. Singh for Applicant.

Mr. P. H. Gaikwad, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 24th JANUARY, 2022

(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 888 of 2021 registered at Navghar Police Station, under sections 498-A, 406, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Singh, learned counsel for the applicant and Shri. Gaikwad, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the applicant's wife on 28/12/2021. She has stated that, she got married with the applicant on 13/11/2008. She started

residing at her matrimonial house with parents and other family members of the applicant. The F.I.R. mentions certain instances wherein the informant's mother in law and sister in law were humiliating the informant. In 2010, she delivered her first daughter, but since they could not get along with other family members, the informant and the applicant started residing separately at Panvel from 2012. The informant's father had given 3 tola gold in her marriage. The applicant borrowed loan on that gold and further sold it. He purchased a house. The applicant was addicted to liquor and, therefore, he lost his job. For some years he went to Saudi Arabia for which he was financially helped by the informant's parents. In the meantime, the informant was residing with the applicant's parents and other family members. It is her case that they were harassing her. The applicant left that job and came back to India. He made allegations against the informant that she was having some affair.

4. In 2015, the informant took loan and helped the applicant financially. That loan was repaid by the informant herself by taking financial help from her father. In 2016, she delivered her

second daughter. The applicant was not earning anything and the informant was spending money for household expenses. In 2021, at the applicant's instance the informant borrowed loan to the tune of Rs.3.5 lakhs. The applicant sold her ornaments. There are allegations that, because of his addiction to liquor he raised money by selling articles like T.V, Refrigerator, washing machine, bed etc. He used to harass the informant. Finally, in August 2021, the informant left the matrimonial house and started residing with her parents. It is alleged that the applicant constantly asked the informant to come back to reside together. He threatened that if she did not come back, he would throw acid on her. There are allegations that the informant was demanding the money back which her father had spent during her marriage. Some cheque was given by the applicant's father but it was dishonoured. Based on these allegations the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that, there are allegations against all the family members of the applicant, as well, who are granted anticipatory bail. Therefore, on the grounds of parity, the applicant deserves to be released on anticipatory bail.

He made a categorical statement that, as of today, even after lodging of F.I.R. the applicant and the informant are residing together. This significant fact may be taken into consideration. He further submitted that the allegations are regarding old incidents for which applicant's custody is not necessary. The allegations are basically result of matrimonial dispute.

6. Learned APP fairly stated that the investigating agency does not want to arrest the applicant in this background. Learned APP, on instructions, concurs with the submissions of learned counsel for the applicant that the informant and the applicant are residing together, as of today.

7. I have considered these submissions. If the investigating agency does not want custody of the applicant, the application can be allowed. Apart from that, the allegations pertain to the period which is quite old. The allegations are mostly general in nature and they are made against all other family members, who are granted anticipatory bail. Therefore, on the grounds of parity the applicant also deserves the same consideration. The main dispute appears to be because of applicant's addiction to

liquor. The expenses which are borne by the informant are basically for their own house and to sustain her family consisting of two daughters. In this background, custodial interrogation of the applicant will not serve any purpose. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 888 of 2021 registered at Navghar Police Station, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)