

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

ANTICIPATORY BAIL APPLICATION NO.165 OF 2022

Aarti Sunil Wadkar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Shreeram Shirsat, Advocate for the Applicant.
Mr. P.H. Gaikwad, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.1292/2021 registered at Virar Police Station, Virar on 22.12.2021 under Sections 380, 427 of the Indian Penal Code.

2. Heard Shri Shreeram Shirsat, learned counsel for the applicant and Shri P.H. Gaikwad, learned APP for the State.

3. The FIR is lodged by one Swati Bhoir on 22.12.2021. She has stated that she is working with Highway Hospital, Virar as Medical Director since 2014. She developed love affair with the applicant's husband. The informant and the applicant's husband were staying together in live-in relationship. In 2020, there was dispute between the informant and the applicant's husband and, therefore, the informant started residing in the room at Highway Hospital. On 24.11.2021, there was some incident between the informant and the applicant's husband. Therefore, the informant lodged C.R. No.1143/2021 at Virar police station against the applicant's husband under Sections 354, 323, 504 of IPC. The informant came back to her room at 11:50 p.m. after registering her FIR. It is her case that at that time the applicant and her husband broke the lock of cupboard and threw away her valuable articles outside the hospital. The informant realized that she had lost her gold chain, nose ring and silver painjan. On this basis, the FIR is lodged. The total value of her lost valuables was Rs.45,000/-, including some

cash amount.

4. Learned counsel for the applicant submitted that the applicant is already having matrimonial dispute with her husband and divorce proceedings are pending between them. The applicant herself had lodged an NC complaint against the informant herein and the applicant's husband on 22.4.2018. In December, 2021, the applicant was not even residing with her husband because they had strained relationship. The prosecution story mentioned in the FIR, therefore, is false.

5. Learned APP opposed this application and he submitted that the applicant had in the past committed different offences to support her husband.

6. I have considered these submissions. The narration in the FIR shows that the informant had grievance mainly against the applicant's husband. The applicant herself had lodged an NC complaint against her in the past because of the live-in relationship between the applicant's husband and the first informant. Thus, apparently there were serious

marital and other disputes between the parties. As submitted by learned counsel for the applicant; in December, 2021, the relations between the applicant and her husband had already become strained.

7. The informant did not actually see who had broken the lock and who had thrown away those articles. The FIR is lodged on the assumption that the applicant was also a part of this offence. However, there is no supporting material to this. In this view of the matter, the applicant's custodial interrogation is not necessary. She can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.1292/2021 registered with Virar Police Station, Virar, the applicant is directed to be released on bail on her furnishing a 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.

(SARANG V. KOTWAL, J.)

Deshmane (PS)