

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

ANTICIPATORY BAIL APPLICATION NO.236 OF 2022

Ravikant Bhagchand Varma Applicant

versus

State of Maharashtra Respondent

.....

- Mr.Kalpesh Patil i/b. Vivek Rane, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd FEBRUARY, 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.822/2021, dated 03/12/2021, registered with Navghar Police Station, under sections 498-A, 494, 377, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr.Kalpesh Patil, learned counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the State.

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3. The FIR is lodged by the Applicant's wife. She has stated that at the time of registration of FIR, she was residing with her parents since about 3 years before that. The informant got married with the Applicant on 16/05/2011. During marriage, the informant's parents had given ornaments to the informant as Stridhan. The Applicant had a job at Pune and therefore the informant and the Applicant started residing at Pune. After a few days the Applicant started making the demands for money from her parents. He used to beat and abuse the informant. After the delivery of their first daughter, the Applicant and his family members did not bother to visit the informant and her infant daughter for about two years. But after that, the Applicant sought forgiveness and brought her back for residing at Rajasthan in their family house. There, the Applicant's parents used to instigate the Applicant and he used to beat and abuse her. There are allegations that the Applicant's parents used to taunt and used to demand money from her. There are allegations that the Applicant was addicted to some intoxicating substance and in that state he used to have forcible

physical relations with the informant. According to the informant, her sister-in-law also used to harass her. In-laws had taken her Stridhan. The informant came to know that the Applicant had got married second time, though his marriage with the Applicant was still subsisting. Therefore based on these allegation, the FIR is lodged.

4. Learned counsel for the Applicant submitted that admittedly as mentioned in the FIR, the informant is residing separately from the Applicant for about three years before lodging of the FIR. She was residing with her parents. Therefore there was no immediate grievance made by the informant after starting residing separately. As far as misappropriation of Stridhan is concerned, there are general allegations against all the family members. He further submitted that the incidents as alleged are quite old and today the custodial interrogation of the Applicant will not serve any purpose. He submitted that the informant had initiated proceedings under the Protection of Women from Domestic Violence Act, in the year 2013 itself. It

was dismissed in the year 2018. The Applicant had also initiated divorce proceedings in the year 2013. However, after year 2013, they resided together for a few years. All this goes to show that the allegations in the FIR are not true and there were repeated attempts for peaceful cohabitation.

5. Learned APP opposed this application and she emphasized that the Applicant had got married second time, though his marriage with the informant is still in subsisting.

6. I have considered these submissions. As far as the Applicant's second marriage is concerned, as rightly submitted by Mr.Patil, the offence u/s 494 of IPC is bailable. Therefore it is necessary to look at the other allegations concerning the other offences. There is sufficient substance in the arguments of Mr.Patil that the informant was residing separately for three years before lodging the FIR. Therefore obviously the FIR is lodged much belatedly and no plausible explanation is offered in the FIR. After all these years and particularly when the alleged incidents, had allegedly occurred even prior to this, it is difficult

to investigate into those allegations today. Therefore custodial interrogation of the Applicant will not serve any purpose. As far as allegations of misappropriation of Stridhan are concerned, those allegations are general in nature and are against all the family members, who are granted anticipatory bail. Therefore, the Applicant's custody is not warranted. Considering all these facts the Applicant has made out the case for grant of anticipatory bail.

7. It is made clear that all the observations are restricted to passing of this order and the trial Court shall not be influenced by any of these observations while deciding the trial. With these observations, the application is allowed and the following order is passed:

ORDER

- (i) In the event of his arrest in connection with C.R.No.822/2021, dated 03/12/2021, registered with Navghar 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.)