

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

ANTICIPATORY BAIL APPLICATION NO.250 OF 2022

Nitin Shridhar Patil Applicant
Versus
The State of Maharashtra Respondent

Mr. Prashant S. Thombre, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 9th FEBRUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.481/2021 dated 22.11.2021 registered at Rabale Police Station, Navi Mumbai under Sections 498-A, 504 read with 34 of the Indian Penal Code.

2. Heard Shri Prashant Thombre, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The applicant is the father-in-law of the informant. The informant got married with the applicant's son on 9.2.2018. After their marriage, the informant was residing with the applicant, applicant's wife and the informant's husband i.e. the applicant's son. The applicant's wife passed away in August, 2020. The FIR mentions that after marriage, the informant got a job and she was earning Rs.20,000/- per month. She worked in that company till 21.8.2019. There are allegations that the applicant's son used to drop the informant to her work place and he used to ask for money for car fuel and for the expenses. There are allegations that the applicant and his son used to take Rs.5,000/- per month from her. On some occasions, she was asked to pay for the on-line purchases. There are allegations that if those expenses were not given, then the applicant and his son used to harass the informant. The applicant's son left for Canada on 26.8.2019 for doing a course in photography. The informant was unable to reside with the applicant and, therefore, on that very day she came back to reside with her parents. The applicant's son

slowly stopped contacting the informant. In January, 2020, the informant's family approached the applicant for allowing her to reside with him. The applicant refused. There are further allegations against the applicant's son. He was asking for the expenses of the informant, if she wanted to go to Canada. On this basis, the FIR was lodged.

4. Learned counsel for the applicant submitted that the allegations against the applicant are vague. The applicant at the highest had allegedly taken Rs.5,000/- per month, but, that was for expenses of their household. The informant was earning. Therefore, this acceptance of money per month would not amount to illegal demand.

5. He submitted that on the very day when the applicant's son left for Canada, the informant had also left for her parent's place and since 26.8.2019 the informant was not residing with the applicant. The FIR is lodged on 22.11.2021 purely as an afterthought.

6. Learned APP relied on the contents of the FIR to

oppose this application.

7. I have considered these submissions. Admittedly the informant is residing separately from the applicant from 26.8.2019. The FIR is lodged on 22.11.2021. This delay has remained unexplained. The FIR itself shows that the informant did not reside with the applicant when the applicant was staying alone. The applicant had lost his wife and his son was studying in Canada. Therefore, when the applicant was in need, the informant did not support him. Therefore, this could be the reason for not permitting the informant to reside with him when the informant had approached him in January, 2020. Even thereafter no grievance was made by the informant. The FIR was lodged much after that.

8. The allegations against the present applicant are vague. In the backdrop of these allegations, the applicant's custodial interrogation is not necessary. He can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.481/2021 registered with Rabale Police Station, Navi Mumbai, the applicant is directed to be released on bail on his 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.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2022.02.10
18:01:33 +0530

Deshmane (PS)

(SARANG V. KOTWAL, J.)