

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

ANTICIPATORY BAIL APPLICATION NO. 436 OF 2022

Aashish Hirday Narayan Singh ..Applicant

v/s.

The State of Maharashtra . ..Respondent

Mr. Pramod Pandey for the Applicant.

Mrs. S.S.Kaushik, APP for the State.

Mr. Vinod Patil from Badlapur (West) Police Stn. Present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 29th MARCH, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No. 181 of 2021 registered with Badlapur (W) Police Station for the offences under Section 498A, 406, 354, 509, 504, 506 r/w. 34 of Indian Penal Code.

2. Heard Mr. Pandey, learned Counsel for the Applicant and Mrs. Kaushik, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Jyoti A. Singh, the sister-in-law of the present Applicant. The first

informant was married to the brother of the Applicant on 26.02.2019. She had alleged that her father had given four wheeler, expensive articles, ornaments etc to the Applicant and his family members, and had spent an amount of Rs.40 lakhs during wedding. After her marriage, she was residing in her matrimonial home in Delhi with her husband, her brother-in-law and his parents. The Complainant has made several allegations of cruelty against her husband and his family members. The allegation against the Applicant are that he had touched her inappropriately, and that he had told her that he was in possession of some photographs, which if shown to others, would put her to embarrassment. She claims that a camera was placed in front of her bedroom and she suspected that the Applicant has her photographs.

4. The records indicate that there is marital dispute between the Complainant and her husband, and that she had left her matrimonial house on 6.11.2020. The FIR came to be lodged on 24.11.2021. It is also on record that the husband of the Complainant has filed a petition for restitution of conjugal rights, which is pending before the Family Court at Allahabad. It is to be noted that there is no prima facie material to indicate that the Applicant had installed a camera outside her bedroom.

5. The Applicant was granted interim bail on 21.02.2020. He has reported to the Investigating Officer and has co-operated with the

investigation, despite which the Investigating Agency has not been able to prima facie show that the Applicant had in fact installed a camera outside the room of the Complainant, and/or that he is in possession of the indecent photographs of the Complainant. Under the circumstances, in my considered view, this is not a case which would warrant custodial interrogation. Hence, the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.181 of 2021 registered with Badlapur (West) Police Station, the Applicant be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicant shall report to the Investigating Officer on a receipt of notice to appear.
- (iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR
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(ANUJA PRABHUDESSAI, J.)