

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

**ANTICIPATORY BAIL APPLICATION NO.474 OF 2022
WITH
INTERIM APPLICATION NO.771 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.474 OF 2022**

Neeraj Kishanchand Sharma

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Mubin Solkar with Mr. Aamir Sopariwala i/b. Mr. Pramod Pandey for the Applicant.

Ms Arunima Jha, Intervenor in-person present.

Ms S.S. Kaushik, APP for Respondent-State.

Mr. Vishal Ghorpade, PSI, Powai police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th APRIL, 2022.

P.C.:-

1. The Applicant seeks pre-arrest bail in C.R. No.62 of 2022 registered at Powai police station, Mumbai, for offences punishable under Sections 498A, 504 and 506 of the IPC.

2. Heard Mr. Mubin Solkar, learned counsel for the Applicant, Ms Arunima Jha, Intervenor in-person and Ms S.S. Kaushik, learned APP Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The marriage of the Complainant and the Applicant was solemnized on 1/11/2016. The Complainant initially resided at her matrimonial home at Dehradun and later shifted to Mumbai in December-2016. The Complainant has alleged that immediately after the marriage she learnt that the Applicant was an alcoholic. She claims that while they were staying at Dehradun, the mother of the Applicant used to taunt her and encourage the Applicant to leave her. The mother of the Applicant would pressurise the Applicant in making the Complainant quit her job and taunt by saying that the Applicant had no control over his wife. She has accused the Applicant of subjecting her to physical and mental cruelty. She has also alleged that the Applicant is having extra marital relationship and living with his girlfriend since June-2021. It is also her grievance that the Applicant would spend money on his sister and when he did not have sufficient money to spend on his girlfriend he would borrow money from her. Allegations are also made against the sister of the Applicant for abusing her.

4. The FIR reveals that there was total non-compatability between the parties resulting in marital discord immediately after marriage. The allegations of cruelty are general in nature. Moreover, the records reveal that the Applicant had left the house in June-2021. The

FIR was lodged in January -2022 in respect of the incidents, which had allegedly occurred from the year 2016. The incidents narrated in the FIR are stale. The nature of accusations coupled with the delay in lodging the FIR would not justify custodial interrogation. It is further to be noted that the Applicant was granted interim protection and he has reported to the Investigating Officer and co-operated with the investigation.

5. Under the circumstances this is a fit case for grant of pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.62 of 2022 registered at Powai police station, Mumbai, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number, and /or change of

residence or mobile details, if any from time to time.

6. The application stands disposed of.

7. In view of disposal of the Anticipatory Bail Application, the interim application does not survive and hence stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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