

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

ANTICIPATORY BAIL APPLICATION NO. 605 OF 2022

Yogesh Jagdish Rajbhar

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ganesh Bhujbal for the Applicant.

Mr. S.H.Yadav, APP for the State.

PSI Shriram Bhosale from Kasturba Marg Police Station.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 1st APRIL, 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. 10 of 2019 registered with Kasturba Marg Police Station for offences under Section 498A, 406, 354, 354A , 509, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. The Applicant is the husband of the first informant- Suman Yogesh Rajbhar. They were married on 19.04.2016. On 29.7.2017, the Applicant went to New Zealand for higher studies. It appears that even prior to his going to New Zealand, the relation between the first informant, the Applicant and his family members were strained, resulting in the Applicant filing petition for divorce on 26.6.2018. It is stated that the first informant had left the matrimonial house in the year 2016. The first information report has been lodged in January 2019

after filing of the divorce petition and the allegations of cruelty are leveled after a period of almost two years. The filing of the complaint prima facie appears to be a counter blast to the divorce proceeding initiated by the Applicant No.1.

3. It is stated that the other co-accused have been granted pre-arrest bail. The Application for pre-arrest bail filed by the Applicant is rejected mainly on the ground that he is absconding. As noted above, the Applicant had not absconded but had gone to New Zealand for higher education, much prior to the registration of the FIR. The Applicant has filed an affidavit stating that he was unable to return due to travel restrictions imposed because of the outbreak of COVID 19 pandemic. He has stated that he is likely to return to India in the month of October 2023 as he has to repay his education loan. It is also to be noted that the allegations made against the brother-in-law and others are more serious than the allegations made against the Applicant. Under the circumstances, there is no reason to reject the pre-arrest bail application.

4. It is stated that the chargesheet is already filed against the other co-accused. Considering the nature of the accusation, and the material in support thereof, in my considered view, the case does not justify custodial interrogation. Learned Counsel for the Applicant states that the Applicant shall make himself available for interrogation on Video Conferencing. Hence the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R.No. 10 of 2019 registered with Kasturba Marg Police Station, the Applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) 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

Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2022.04.05
11:18:16
+0530

(ANUJA PRABHUDESSAI, J.)