

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.633 OF 2022**

Sushant Sakharam Parab ] ... Applicant

Vs.

The State of Maharashtra ] ... Respondent

...

Mr. Manoj Singh i/b MKS Legal Associates for the applicant.

Mr. P.H. Gaikwad, A.P.P. for the State.

Mr. Samadhan Kadam, PSI attached to Charkop Police Station is present in the court.

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**CORAM : SMT. BHARATI DANGRE, J.**

**DATED : 09<sup>TH</sup> MARCH, 2022.**

**P.C. :-**

1. Heard learned counsel for the applicant and learned A.P.P. for the State.
2. The applicant is apprehending his arrest in connection with C.R. No.0058 of 2022 registered with Charkop Police Station,

Mumbai, at the instance of his wife on 12/02/2022. Based on the allegations levelled in the complaint, offences punishable under Sections 498-A, 406,, 313, read with Section 34 of the IPC have been registered against the present applicant and his mother, who has already been granted bail, in the event of her arrest, by the Sessions Court.

3. Perusal of the complaint would reveal that the marriage of the complainant was solemnized with the applicant on 05/05/2015 and she started residing in her matrimonial house with her husband, mother-in-law and father-in-law. Perusal of the complaint would reveal that it contains narrations of certain incidents of the years 2015-2016, which are vague allegations, without the details as to timing and date being given, except stating that it happened in 2016. A daughter was born to the couple on 02/07/2017.

4. An allegation is levelled about terminating her pregnancy when she conceived in 2019 and the allegation is that the applicant forced her to terminate the pregnancy.

5. Learned A.P.P. has placed on record, the relevant papers pertaining to the termination of pregnancy on 25/10/2019 and the said papers would reveal about a fetus in the womb of the complainant, whose age was described as five months. Immediately, on the very same day, the pregnancy came to be

terminated and the complainant has signed Form 'C'. It is not clear whether the husband has consented to it or not, but in any case, since the complainant herself has approached the Nursing Home for termination of pregnancy and signed the consent form, the presumption is that she has voluntarily signed it, unless it is proved to the contrary.

6. A stale allegation is tried to be renewed just before filing of the complaint and, therefore, the incident dated 17/10/2021 is referred to, when a quibble ensued between the families of the applicant and the complainant, at the time of engagement of the complainant's brother. The complaint also mentions that on 15/01/2022, a quarrel took place between the complainant and her husband and she came to her parental house and on 18/01/2022, the applicant has forwarded a notice seeking divorce as well as custody of the daughter.

7. Learned counsel for the applicant has invited my attention to certain photographs at page Nos.67 and 68 of the application. The applicant approached the P.I., APMC Police Station, Vashi, seeking certain information about his wife i.e. the complainant being caught red handed with some stranger in an objectionable position and he requested the police officer to provide the CCTV footage of the said lodge. Learned counsel for the applicant has also placed on record WhatsApp chats obtained from the mobile phone of the complainant, which *prima facie* record her chatting

with the third person and which can be said to be an intimate one. The admissibility of the same is, however, a matter of trial and would be determined at the relevant stage. However, it seems that the allegation of the applicant that the complainant was involved in physical relationship with the third person, appears to be the cause of quarrel between the husband and the wife. The complainant herself has stated in the complaint, that on 15/01/2022, she left her matrimonial house in the wake of a quarrel ensued.

8. *Prima facie*, the complaint appears to be an afterthought, since the marriage, which is seven years' old, was suddenly projected to be in bad phase, after a considerable lapse of time, and the complaint has to be read with reference to the incident dated 15/01/2022.

9. In the wake of the above, recording a *prima facie* case in favour of the applicant, in my considered opinion, the applicant deserves to be protected. Hence, the following order:

### **ORDER**

- (a) In the event of arrest, the applicant – **Sushant Sakharam Parab** shall be released on bail in C.R. No.0058 of 2022 registered with Charkop Police Station, Mumbai on executing P.R. bond to the

extent of Rs.25,000/- each and furnishing one or two sureties of the like amount.

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The applicant shall report to the Charkop Police Station, Mumbai, on every Wednesday for four weeks between 10.00 a.m. and 02.00 p.m. and, thereafter, as and when required by the Investigating Officer.

10. The application is disposed of in the aforestated terms.

11. All parties are directed to act on the downloaded copy of the order supplied by the advocate under his seal and signature.

**[SMT. BHARATI DANGRE, J.]**