

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

ANTICIPATORY BAIL APPLICATION NO.453 OF 2021

Yatin Suresh Godbole Applicant
Versus
The State of Maharashtra Respondent

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WITH
INTERIM APPLICATION NO.1184 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.453 OF 2021

Ms. Latika Belindage, Advocate for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.
Mr. Prithviraj Gole, Advocate i/b. Abhirajdas Koorkaparambil,
for the Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.49/2020 dated 10.2.2020 registered at Dombivali Police Station, District-Thane under Sections 498-A, 354-C, 504, 506, 509 read with 34 of the Indian Penal Code.

2. Heard Ms. Latika Belindage, learned counsel for the applicant, Smt. J.S. Lohokare, learned APP for the State and Shri Prithviraj Gole, learned counsel for the Intervenor.

3. The FIR is lodged by the wife of the applicant. She has stated that it was her second marriage. The applicant and his family were aware of her first marriage. She got married with the applicant on 26.4.2019 and she started residing at Dombivali in her matrimonial house with the applicant and his parents. Initially everything was normal. The applicant and the informant had decided to start a food business in Pune. For that they had obtained loan from the applicant's sister's husband and brother's wife. There are allegations that the applicant's mother was harassing the informant for getting financial assistance from the informant's parents so that the loan taken from these persons could be returned. It is alleged that even the applicant had abused and beaten her. The FIR goes on to mention that the informant had first gone to Ahmedabad and then had gone to Bangalore in connection with her job. The applicant and his family gave her

permission to do that job at both these places. In October, 2019, the informant left the job and came to reside with the applicant. By that time, the applicant did not like her coming back and went to reside in a room taken on rent. The informant resided with the applicants' parents. There are allegations that the applicant's parents used to harass her and in particular the applicant's mother used to keep her under fear. There are allegations that the applicant had installed a camera in the house. According to learned counsel for the applicant it was a one-room-kitchen flat and the camera was installed to keep check on the informant's activity as she herself was harassing the applicant's parents. The FIR further goes on to mention that the applicant used to humiliate her in obscene words. She was made to stand outside the house on many occasions, as she did not have keys of the house. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the police have recovered the camera and nothing objectionable was found. The camera was only installed to

safeguard the applicant's parents because the informant was harassing them. The applicant's parents had lodged complaint as she was harassing those senior citizens. The informant has also initiated proceedings under the Protection of Women from Domestic Violence Act in September 2019 and only to pressurize the applicant, this FIR is lodged by her in February 2020.

5. Learned counsel for the informant submitted that the informant's ornaments are still retained by the applicant and his family. Therefore, the applicant's custodial interrogation is necessary. He submitted that the prosecution has invoked Section 420 by recording supplementary statement of the informant in respect of the ornaments.

6. Learned APP also opposed this application. She submitted that the issue of ornaments will have to be resolved and the applicant has not produced the ornaments during investigation. She further submitted that there are sufficient allegations in the FIR. However, she fairly submitted that there was nothing objectionable found in the recording of the

camera which was installed in the house.

7. I have considered these submissions. Installation of the camera undoubtedly is unacceptable. However, there is a possibility, as pointed by learned counsel for the applicant, that because of the dispute between the applicant's aged parents and the informant, some safeguard was provided to the parents so that they were not harassed. This is a matter of trial in the background of the allegations and counter allegations.

8. As far as the allegations under Section 498-A of IPC are concerned, though there are certain allegations in the FIR, the FIR itself is lodged in February 2020. After about two years, in the backdrop of these allegations, the custodial interrogation of the applicant is not really necessary.

9. As far as retention of the ornaments is concerned, again it is a disputed fact. For two long years, after registration of the FIR, nothing concrete has materialized as far as those ornaments are concerned. Therefore, after two years, I am not inclined to allow custodial interrogation of the

applicant for that purpose.

10. In this view of the matter, the applicant can be protected by an order of anticipatory bail. However, he will have to cooperate with the investigation. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.49/2020 registered with Dombivali Police Station, District-Thane, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly. In view of disposal of the application, nothing survives in IA No.1184/2021 and same also stands disposed of.

(SARANG V. KOTWAL, J.)

Digitally signed
by
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2022.01.19
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