

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

ANTICIPATORY BAIL APPLICATION NO.180 OF 2022

Kaljit Hariprasad Barun

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Ashish Anil Dubey with Ms Yogita N. Kanojia with Mr. Jigar Agarwal
for the Applicant.

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

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No. 410 of 2020 registered with Dharawi Police Station, Mumbai, for offences punishable under Sections 142, 143, 144, 146, 147, 149, 323, 326, 354, 506 and 509 of the IPC.

2. Heard Mr. Ashish Dubey, learned counsel for the Applicant and Ms S.S. Kaushik, learned APP for Respondent-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 Smt. Tahasin Barun, sister-in-law of the present Applicant. A perusal

of the FIR reveals that there is matrimonial dispute between the Complainant and her husband resulting in filing of divorce petition. The Complainant was married to Amarjeet, brother of the Applicant on 06/05/2010. The marriage of the Complainant and her husband was dissolved vide judgment dated 04/08/2017 and since then they are residing separately. The Complainant has stated that their daughter-Saiba is residing with her husband-Amarjeet. The Complainant has stated that on 09/03/2020 at about 5.30 p.m. she had gone to the office of Amrjeet to meet her daughter. She has alleged that the Applicant and all other family members of Amarjeet were present in his office, they abused her and assaulted her by means of iron rod and kicks and blows. She therefore lodged a complaint against her husband and his family members, pursuant to which aforesaid crime has been registered.

4. The records reveal that the first informant was treated at L.T.M.G. Hospital, Sion, Mumbai on 09/03/2020 wherein she had given history of assault by one person. She was subsequently admitted in Atharva Hospital and Research Center. Her medical report indicates that she had a fracture of right melleolus. She was discharged from the hospital on 14/03/2020. The FIR has been lodged on 03/10/2020 i.e. after a period of 7 months from the date of the incident wherein she has

implicated six persons. Considering this discrepancy and the delay in lodging the FIR, in my considered view this would be a fit case for grant of pre-arrest bail. Hence, the application is allowed for the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 410 of 2020 registered with Dharawi Police Station, Mumbai, he is ordered to 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 concerned Investigating Officer for a period of two days on 02/05/2022 and 03/05/2022 between 11.00 a.m. to 2.00 p.m.;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.
- (iv) The Applicant shall not interfere with the Complainant, witnesses and /or tamper with the evidence in any manner;

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)