

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

ANTICIPATORY BAIL APPLICATION NO. 1418 OF 2021

Pratik Prabhakar Desale & Ors.	...Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Sachin Chandan, for the Applicants.
Mrs. M. R. Tidke, APP for the Respondent-State.
Ms. Gargi P. Joshi, for the Intervener.

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CORAM : C.V. BHADANG, J.
DATE : 4 APRIL 2022

P.C.

. The Applicants, apprehending arrest, in connection with investigation of Crime No.69/2021 of Police Station Khandeshwar, Navi Mumbai, District Raigad, under Section 498-A, 420, 406, 354-A, 323, 504 and 506 r/w. 34 of IPC, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 27 March 2021 lodged by Karishma Pratik Desale (nee Karishma Eknath Patil). The Applicant No.1 happens to be the husband of the informant. The Applicant

Nos.2 and 3 are the parents-in-law, Applicant No.4 is the married sister-in-law and the Applicant No.5 is the husband of the Applicant No.4.

3. According to the informant, she was mentally and physically ill-treated by the Applicants and there is also allegation of misappropriation of an amount of Rs.9 Lakhs which was allegedly transferred to the account of the Applicant No.2 for purchasing gold ornaments at Dhule.

4. The learned counsel for the Applicants and the informant submits that they are exploring the possibility of settlement as essentially the FIR is outcome of the matrimonial dispute.

5. Learned APP has pointed out that there are criminal antecedents against the Applicant Nos.2 and 3 in Crime No.139/2015 of Police Station Sindhkheda, District Dhule under Section 306, 323, 504 and 506 r/w. 34 of IPC and Section 3(1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned APP, on instructions from the Investigating Officer, states that the investigation is at a concluding stage and chargesheet is likely to be filed shortly.

6. I have considered the circumstances and the submissions made.

7. It can be seen that the FIR is essentially the outcome of the matrimonial dispute between the Applicant No.1 and the informant. It transpires that the Applicant No.1 has filed Petition for restitution of conjugal rights before the Competent Court at Dhule. In so far as the criminal antecedents are concerned, *prima facie*, it appears that said crime was registered on the basis of the complaint filed by one Rekhabai Namdev Kadare alleging that her husband Namdev had committed suicide on account of the fact that he was removed from service and was abused on the basis of caste. That offence is not connected with the present crime. Looking to the nature of the allegations, I do not find that custodial interrogation is warranted. The Applicants were granted interim protection by a detailed order dated 21 June 2021.

8. In such circumstances, the Criminal Application is disposed of, in terms of order dated 21 June 2021, which is hereby made absolute.

C.V. BHADANG, J.