

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

ANTICIPATORY BAIL APPLICATION NO.1457 OF 2021

Mr. Ankit Anand Tripathi .. Applicant  
v/s.  
State of Maharashtra  
& Another .. Respondents.

Mr. Omkar Khanvilkar with Mr. Kartik Gantha i/b. Omkar Khanvilkar Law Chambers, for the Applicant.

Mr. Ajay Patil, APP for the Respondent-State.

Mr. Mahesh B. Gupta i/b. Pradyumna Waghmare, for Respondent No.2.

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**CORAM: SARANG V. KOTWAL, J.**  
**DATED : 4<sup>th</sup> JANUARY, 2022.**  
**(THROUGH VIDEO CONFERENCING)**

**PC:-**

The Applicant is seeking anticipatory bail in connection with C.R.No. 40 of 2021 registered at Bhayander West Police Station, Thane on 13<sup>th</sup> February, 2021, under sections 498-A, 406 r/w 34 of the Indian Penal Code.

2 Heard Mr. Omkar Khanvilkar, learned counsel for the Applicant, Mr. Ajay Patil, learned APP APP for the State and Mr. Gupta, learned Counsel for Respondent No.2.

3 FIR was lodged by on 13<sup>th</sup> February, 2021. It is stated that she got married with the Applicant on 28<sup>th</sup> February, 2017. It is her case that her parents spent more than Rs. 9 lakhs for her marriage. After marriage, she started residing with the Applicant. It is alleged that

Applicant was asking her to bring gold chain and money from her parents. It is alleged that all family members of the husband were harassing her.

4           FIR mentions that she delivered twins in the year 2019. But even thereafter, the harassment continued. The Applicant never used to look after his children. On 23<sup>rd</sup> December, 2019, after quarrel between the informant and the other family members, she was assaulted. She went to her neighbor's house and then she was dropped to her parents house. Since then, she was residing with her parents. The FIR was lodged on 13<sup>th</sup> February, 2021. She alleged that the Applicant and his family members were demanding dowry.

5           Learned Counsel for the Applicant submitted that the other family members are granted anticipatory bail by the Sessions Court. Applicant's role is not different. He submitted that Applicant has initiated Divorce case on 15<sup>th</sup> June, 2020. The informant has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005 on 24<sup>th</sup> November, 2020. She had also initiated maintenance proceedings on 8<sup>th</sup> January, 2021 and therefore, in this particular FIR, custodial interrogation is not necessary.

6           The learned APP submits that though the FIR was lodged after divorce proceeding were filed against her by her husband, the summons was served after the FIR. Therefore, FIR was not lodged as an afterthought.

7           I have considered these submissions. The allegations are particularly between 2017 to 2019. The FIR is lodged after more than one year from the date of last incident i.e. on 23<sup>rd</sup> December, 2019. The other

accused are granted anticipatory bail. In fact, the main accused are mother-in-law and sister-in-law. The main grievance is that the mother-in-law and sister-in-law had harassed her for illegal demand.

8 In this view of the matter, custodial interrogation of the Applicant is not necessary.

9 Hence, the following order :

**ORDER**

- (i) In the event of his arrest in connection with C.R. No.40 of 2021 registered with Bhayander West Police Station Thane, the Applicant is directed to be released on bail on his furnishing a 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 co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)