

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

ANTICIPATORY BAIL APPLICATION NO. 1736 OF 2021

Pankaj Ghanshyam Pandey	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. M. D. Pandey for Applicant.

Mr. Makarand G. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 236 of 2021 registered at Nayanagar Police Station, on 05/04/2021, under sections 498A, 406, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Pandey, learned counsel for the applicant and Shri. Makarand Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the applicant's wife on 05/04/2021. She has stated that, she got married with the applicant on 28/11/2012. After marriage

she started residing with the applicant's family consisting of his parents. At the time of marriage, the informant's parents spent for expenses and also gave her stridhan. After 10 days of marriage the applicant went to Chennai for his job. The informant and applicant's parents also went to Chennai. It is her case that the applicant's father was having ill-intention towards her. The allegations in the F.I.R. are that the applicant's parents used to quarrel with her on the ground that her parents had given less dowry.

4. On 11/03/2015, she delivered a son, but the applicant and his parents were not willing to see him. She was staying with her parents at that time.

5. In September 2015, a divorce notice was issued to the informant. The informant, in turn, filed proceeding under the Protection of Women from Domestic Violence Act against the applicant and his parents. It is still pending. In 2016, the court tried to bring about settlement. Accordingly, the applicant and the informant started residing with each other. On 05/06/2018, the informant gave birth to her second son. It is her contention that

her younger son was not well and yet the applicant and his parents did not help her financially. The informant was not given her jewellery for wearing at the time of the informant's sister's marriage. The F.I.R. mentions about some incidents in March 2021 when the applicant's father had quarreled with the informant. The informant went back to reside with her parents. The applicant used to call her to reside with him, but she told him that till his parents resided with him, she was not willing to come back to reside with the applicant. She filed N.C. complaint at Nayanagar police station vide N.C.No.564 of 2021 on 17/03/2021. After that, again she went back to reside with the applicant on 21/03/2021. Again there was some discord between them. On 30/03/2021 when she had taken her younger son to hospital, the applicant showed his inability to spend for his treatment. On this basis the F.I.R. was lodged.

6. Learned counsel for the applicant submitted that, the main allegations are against the applicant's father. There are hardly any allegations of cruelty under section 498A of IPC. The couple had got married in the year 2012. The allegations are

vague and there are proceedings pending under the Protection of Women from Domestic Violence Act. Therefore, applicant's custodial interrogation is not necessary.

7. Learned APP submitted that, there are allegations against the applicant and his parents, he, however, conceded that the applicant had attended the police station while he was on interim bail and had co-operated with the investigation, except producing stridhan.

8. I have considered these submissions. The allegations are mainly directed against the applicant's parents and in particular, against the applicant's father. The main grievance of the informant appears that the applicant was not providing financial assistance for treatment of her son. In fact, the narration in the F.I.R. also shows that the applicant was asking the informant to come back to reside with him, but she had flatly refused saying that she was not interested in co-habitation till the applicant's parents were staying with him. In this context, applicant's dilemma is understandable that he could not have asked his parents to leave his house. In this view of the matter, the applicant's defence

appears to be probable, at this stage. His custodial interrogation is not necessary. He can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 236 of 2021 registered at Nayanagar Police Station, the applicant is directed to be released on bail on his furnishing P. R. 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)