

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

ANTICIPATORY BAIL APPLICATION NO.1267 OF 2018

Sharad Sopan Yetam

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

....

Mr. Vishal M. Deshmukh for the Applicant.

Ms Rujuta Ambekar, APP for Respondent -State.

Mr. Shirdhankar, PSI, Andheri Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C., for pre-arrest bail in C.R. No.526 of 2017 registered with Andheri Police Station, Mumbai, for offences punishable under Sections 323, 406, 498 A and 506 r/w 34 of the IPC.

2. Heard Mr. Vishal M. Deshmukh, learned counsel for the Applicant and Ms Rujuta Ambekar, APP for Respondent -State. 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 the Complainant-Respondent No.3-Vaishali, wife of the Applicant.

Marriage of the Applicant and the Complainant was solemnised on 20/05/1997. The Complainant has alleged that she was treated well by her husband and his family members initially for a period of three months and thereafter they started abusing and insulting her. She has alleged that her husband and family members used to taunt her and make her do all the household work. She has also stated that her husband would not give her sufficient money for household expenses and rather would spend money on his family members. She has also accused the Applicant of having relationship with his sister-in-law and having married another woman.

4. Though the Complainant was allegedly subjected to cruelty within three months of the marriage, which was solemnised in the year 1997, the FIR is lodged in the year 2017 i.e. more than 20 years later. The allegations of cruelty against the Applicant and his family members are general in nature. Furthermore, the Applicant is on interim bail since 29/06/2018. They have been interrogated and the investigation is complete. The presence of the Applicant is not required for the purpose of investigation or interrogation.

5. In view of the above facts and circumstances, in my considered view this would be a fit case for grant of pre-arrest bail. Hence, the

application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No.526 of 2017 registered with Andheri Police Station, Mumbai, the Applicant is ordered to be released on bail on executing PR bonds in the sum of Rs.15,000/- with one or two sureties to the like amount.

(ii) The Applicant to attend the Trial Court on each and every date;

(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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)