

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2782 OF 2021

Raghavendra Sudhakar Poojari Applicant

Versus

The State of Maharashtra Respondent

Ms.Saswati S. Deb, for the Applicant.

Mr.PH. Gaikwad, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 17th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking Anticipatory Bail in connection with CR NO. 19 of 2019 registered with MIDC Police Station, Mumbai, dated 14th March, 2019, under Sections 498A, 406, 419, 420 r/w 34 of the Indian Penal Code.

2. Heard Ms.Saswati S. Deb, learned counsel for the Applicant and Mr. P. H. Gaikwad, learned APP for the Respondent-State.

3. The FIR was lodged by the Applicant's wife on 14th March, 2019. She has stated that she got married with the Applicant on 19th November, 2017. It was a love marriage. After the marriage, she started residing in matrimonial house along with the Applicant's parents and sister.

4. The FIR mentions that the Applicant's mother used to say

that the informant was not given sufficient gold by her parents in the wedding and on that count the informant was harassed. The informant came to know that the Applicant had affair with another person. When she told this fact to the other family members in the house, the Applicant's parents abused her. The FIR further mentions that the Applicant had taken a credit card of HDFC Bank in the name of the informant. The Applicant was using it but he was not paying the EMI. Therefore, the Bank officers were troubling the informant for recovery. Similarly, the Applicant had taken loans from Bajaj Finance and DNS Credit Society. There also, he was not paying installments regularly for which the informant faced difficulties. On this basis, the FIR was lodged.

5. Learned counsel for the Applicant submitted that the Applicant has cleared the loans taken from Bajaj Finance and HDFC bank, the copies of which are annexed to this Application. He has not taken any loan in the name of the informant from DNS Credit Society and therefore, the informant was not concerned with that. The chargesheet in this case is already filed on 15th February, 2022. The informant and the Applicant have filed the proceedings for divorce by mutual consent on 21st January, 2022. Therefore, in this background the custodial interrogation of the Applicant is not necessary.

6. Learned APP opposed this Application on the basis of the FIR.

7. I have considered these submissions. The allegations against the Applicant in the FIR about the harassment are general in nature. The Applicant used to quarrel with the informant on petty issues. There are allegations that the Applicant had taken loans in the name of the informant and had not repaid it. The learned counsel for the Applicant pointed out that those loans were repaid and 'No Dues Certificates' were already issued, the copies of which are annexed to this Application. Parties have already filed proceedings for divorce by mutual consent. In this view of the matter, considering all these aspects the custodial interrogation of the Applicant is not necessary, the Applicant can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with CR NO. 19 of 2019 registered with MIDC Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)