

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

ANTICIPATORY BAIL APPLICATION NO.3113 OF 2021

Rupesh Ravindra Mande Applicant
Versus
The State of Maharashtra Respondent

Mr. Abhishek Kulkarni, Advocate for the Applicant.
Smt. Rutuja Ambekar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd FEBRUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.319/2021 dated 29.10.2021 registered at Naupada Police Station, Thane under Sections 406, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Heard Shri Abhishek Kulkarni, learned counsel for the applicant and Smt. Rutuja Ambekar, learned APP for the State.

3. The FIR is lodged by the applicant's wife. She has stated that she got married with the applicant on 28.4.2018. At the time of marriage, the informant's father had given Rs.8 Lakhs in cash and other ornaments. After marriage, she started residing with the applicant and his family. There are allegations that the applicant's family removed all the servants and made the informant to do entire household work. There are allegations that on some occasions the applicant used to beat her and she had shown the signs of such beating to her sister. She did not lodge any police complaint. There is one incident of the year 2018, when again the applicant had beaten her. The family tried to settle the issue, however, the beating at the hands of the applicant continued. The informant was not allowed to meet her aunt who was residing the next building. In March, 2019 the informant came to know that the applicant was having an extra-marital affair. She complained to the applicant's father, but, he ignored this. There are allegations that the informant's mother-in-law removed the ornaments and did not return them. After that

the informant went back and started residing with her parents. According to her, since the date of marriage i.e. upto 26.3.2019 she was ill-treated by the applicant and his family. Her ornaments were removed by mother-in-law. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the informant has already lodged the proceedings under the Protection of Women from Domestic Violence Act. The informant had sent notice dated 16.4.2021 making some allegations and the applicant's advocate has replied to that notice vide reply dated 30.4.2021. Even thereafter no FIR was lodged till October, 2021. He submitted that the delay has been unexplained, which also shows her afterthought and pressurizing tactics employed by the informant. He submitted that after all these years, the applicant's custodial interrogation is not necessary.

5. Learned APP opposed the application based on the contents of the FIR. The investigation papers are also produced before me, which contain the photographs as well

as the D.V. proceedings which the informant had initiated on 28.5.2021. There are statements of the informant and the relatives supporting her grievance.

6. I have considered these submissions. The informant has sent a notice for maintenance in April, 2021. Thereafter she had initiated D.V. proceedings in May, 2021 and after that she had lodged this FIR in October, 2021. The FIR itself mentions that the cohabitation was upto March, 2019 and there is inordinate unexplained delay on the part of the informant in lodging the FIR. The FIR is lodged after the notices were exchanged and the D.V. proceedings were initiated.

7. Considering this background and the old incidents, at this stage, the applicant's custodial interrogation will not serve any purpose. The truthfulness of the allegations can be decided during trial. Today, the applicant can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.319/2021 registered with Naupada Police Station, Thane, 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) Anticipatory Bail Application stands disposed of accordingly.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2022.02.08
16:00:47 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)