

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3205 OF 2022**

Hemraj Kondiba Dere .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr. Balwant Salunkhe i/b Mr. Ashwiin Vasista for the applicant.
Mr. S.V. Gavand, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 17th NOVEMBER, 2022**

P.C:-

1. The applicant is the husband of the complainant, who approached Thane city police station on 30/09/2022 and levelled certain accusations against him, in the capacity as her husband, which resulted in invoking sections 498-A, 377, 323, 504, 506 r/w 34 of IPC.

With the assistance of the learned counsel for the applicant I have perused the complaint. The gist of the accusations is to the effect that the complainant has obtained divorce from her first husband and against the wishes of her family, solemnized marriage with the applicant on 19/4/2021. As per her version he is addicted to liquor and under the influence of the liquor he used to abuse her and at time even subjected her to physical

assault. It is also alleged that he used to demand money from her from time to time. Vague allegations are also made that at times he established unnatural sex with her.

2. The narration in the complaint would reveal the estranged relationship between the couple, and resultantly she started residing with her mother and at times also approached the women's grievance cell.

3. Perusal of the allegations would disclose that they are vague in nature and without citing any particulars about when the said acts are alleged to have occurred. Apart from this there is also an unexplained delay in lodging the complaint.

I do not think that custodial interrogation of the applicant is necessary. Subject to the stipulation that the applicant in no way shall pressurize the complainant or make any attempt to influence her or resist her in prosecuting her complaint, he deserve protection from arrest.

: ORDER :

(a) Application is allowed.

(b) In the event of arrest applicant Hemraj Kondiba Dere shall be released on bail in connection with C.R.No. 521 of

2022 registered with Kolsewadi police station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall report to the concerned police station on every Friday for a period of four weeks between 4:00 p.m to 6:00 p.m and thereafter as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)