

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

ANTICIPATORY BAIL APPLICATION NO.3320 OF 2022

Anant Ramesh Pable

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Niranjan Mundargi i/b. Keral Mehta for the Applicant.

Mr. M.G.Patil, APP for the State.

PSI Shelke from Hadapsar Police Stn. Present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 30th NOVEMBER, 2022.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.653 of 2019 registered with Hadapsar Police Station, Pune, for offences under Section 406, 420, 498A, 504, 506, 377 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Mundargi, learned Counsel for the applicant submits that the FIR is an off shoot of matrimonial dispute. He submits that the complainant has admitted having received the gold ornaments. The nature of accusation does not satisfy custodial interrogation. Mr. Mundargi, states that at present the applicant in USA and is scheduled to come to India on or before 10th January, 2023. He states that the applicant will join the investigation either on VC or personally after he

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returns to India.

3. I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned app for the State.

4. The aforesaid crime was registered pursuant to the FIR lodged by wife of the applicant. The complainant has alleged harassment at the hands of the applicant and his family members. It is alleged that the applicant and his family members have not handed over the gold ornaments of the complainant, and that they have abused and threatened her. Accusation is also made against the applicant of unnatural sexual intercourse.

5. The records reveal that the applicant and the complainant were married in November 2009 and moved to United States since 2010. The complainant returned to India sometime in the year April 2017, and lodged FIR in the year 2019 alleging harassment at the hands of the applicant and his family members. The records prima facie indicate that there is matrimonial dispute between the parties which has resulted in filing divorce petition. The nature of accusations and the delay in lodging the FIR does not warrant custodial interrogation. Hence the order:-

- (i) In the event of arrest of the applicant in Crime No. 653 of 2019 registered with Hadapsar Police Station, Pune, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall co-operate with the investigation and shall report to the Investigating Officer in the second week of January, 2023 for the purpose of investigation and interrogation.
- (iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The applicant shall not interfere with the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)