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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3568/2022**

VIJAY BAHADUR @ PANDIT

SHYAMLAL TIWARI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ashish Dubey for the applicant.

Mr. S. H. Yadav, APP for State.

Mr. Sushil Jadhav, PSI, Dharavi Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 22, 2022.

P.C. :

1. This is an application for pre-arrest bail in respect of the C.R.No.410/2020 registered with the Dharavi Police Station for the offence punishable under Sections 142, 143, 144, 146, 147, 149, 323, 326, 354, 323, 544, 506, 509 of the Indian Penal Code.

2. I have heard learned counsel for the applicant and learned APP for the State.

3. Learned APP submits that the Investigating Officer is not present.

4. My attention is invited to the order dated April 28,

2022 which is at page 23 of the paper-book releasing the co-accused-Kaljit Hariprasad Barun who is the brother-in-law of the complainant. The accused-Kaljit has been granted pre-arrest bail by this Court. The relevant portion of the order dated April 28, 2022 reads thus:-

"3. The aforesaid crime was registered pursuant to the FIR lodged by Smt. Tahasin Barun, sister-in-law of the present Applicant. A perusal of the FIR reveals that there is matrimonial dispute between the Complainant and her husband resulting in filing of divorce petition. The Complainant was married to Amarjeet, brother of the Applicant on 06/05/2010. The marriage of the Complainant and her husband was dissolved vide judgment dated 04/08/2017 and since then they are residing separately. The Complainant has stated that their daughter-Saiba is residing with her husband-Amarjeet. The Complainant has stated that on 09/03/2020 at about 5.30 p.m. she had gone to the office of Amarjeet to meet her daughter. She has alleged that the Applicant and all other family members of Amarjeet were present in his office, they abused her and assaulted her by means of iron rod and kicks and blows. She therefore lodged a complaint against her husband and his family members, pursuant to which

aforesaid crime has been registered.

4. The records reveal that the first informant was treated at L.T.M.G. Hospital, Sion, Mumbai on 09/03/2020 wherein she had given history of assault by one person. She was subsequently admitted in Atharva Hospital and Research Center. Her medical report indicates that she had a fracture of right melleolus. She was discharged from the hospital on 14/03/2020. The FIR has been lodged on 03/10/2020 i.e. after a period of 7 months from the date of the incident wherein she has implicated six persons. Considering this discrepancy and the delay in lodging the FIR, in my considered view this would be a fit case for grant of pre-arrest bail."

5. The applicant is not related to the complainant. It is not alleged that he is the one who had iron rod with him. Further there is a delay in registering the First Information Report as noted by this Court while granting bail to co-accused-Kaljit Barun. The incident was outcome of the matrimonial dispute. Hence the following order.

ORDER

(A) The application is allowed.

(B) In the event of arrest of the applicant-Vijay Bahadur @ Pandit Shyamlal Tiwari in connection with

C.R.No.410/2020 registered with the Dharavi Police Station, the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(C) The applicant shall report to the concerned Police Station on 26th and 27th December, 2022, between 10.00 a.m. and 12.00 noon.

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

(E) The applicant to co-operate with the Investigating Officer.

(F) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)