

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.54 OF 2022

(SHAILESH NATTHURAMJI TRIVEDI....VS.. STATE OF MAH. THR. PSO PS RAMNAGAR,
CHANDRAPUR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.N.Ali, Advocate for Applicant.
Shri M.J.Khan, A.P.P. for Non-applicant No.1/State.
Shri V.N.Mate, Advocate to Assist the Prosecution

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 18, 2022.

1. This is an application filed by the applicant for grant of anticipatory bail in Crime No.1268 of 2021, registered on 16/12/2021 with Police Station, Ramnagar, Chandrapur on a complaint of wife of the applicant Mrs. Kirti Trivedi against the applicant and his parents Natthuram and Smt. Sushila, for the offences punishable under Sections 377, 498-A and 34 of the Indian Penal Code.

2. It is the case of the prosecution that wife of the applicant lodged a complaint on 16/12/2021 stating therein that she was married with the applicant on 23/06/2018. Thereafter the applicant went to stay at Mumbai. It is alleged in the complaint that she was subjected to ill-treatment at the hands of the applicant and his parents. There are allegations about commission of the

unnatural sex with the complainant against her wish and on one occasion he has also recorded voice of the complainant in mobile while he was committing forcible unnatural sex with the complainant. The complainant further alleged that the applicant used to abuse her in filthy language.

3. Shri M.N.Ali, learned counsel for the applicant states that to falsely implicate the applicant, the FIR has been lodged by the wife. He submits that in a notice issued in the case of restitution of conjugal rights dated 30/06/2021 allegations made in the FIR are missing. He submits that the allegations made in the FIR are afterthought and are made to harass the applicant. He submits that the applicant is not involved in the alleged crime and therefore, he may be released on bail, in the event of his arrest in the aforesaid crime.

4. The learned counsel for the applicant further submits that the Hon'ble Apex Court in catena of judgments has observed that the tendency of filing false complaints in matrimonial matters is rising and thereby the Hon'ble Supreme Court has made the Court cautions while considering the criminal complaint in matrimonial cases. He, therefore, submits that this is also one of such cases, wherein by making false allegations husband and his parents are roped in the alleged offence.

5. On the other hand, Shri Khan, learned APP submits that the allegations are very serious. The offence is also registered under Section 377 of the Indian Penal Code. He further submits that during the investigation, statements of the witnesses were recorded and sufficient material is collected against the applicant which shows his involvement in the alleged offence.

6. After perusal of the case diary and also considering the allegations made in the FIR, I am of the opinion that the allegations are serious and the Investigating Agency has recorded statements of witnesses, which *prima-facie* show commission of offence by the applicant.

7. There is no dispute about the catena of judgments wherein the Hon'ble Supreme Court of India has observed that tendency of roping the family members and making false allegations is on rise in the matrimonial matters. However, every matter needs to be considered on the basis of the complaint and allegations made in such matter and the material collected during investigation.

8. In the present matter, as I have observed that the allegations are serious and even in the notice issued in restitution proceedings though the allegations are not made in detail, but reference is there as regards the

conduct of the applicant, which is subsequently mentioned in the criminal complaint, in detail. In that view of the matter, I am not inclined to grant anticipatory bail in this matter.

The application is **rejected**.

JUDGE

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