

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.83 OF 2023
WITH
INTERIM APPLICATION NO.189 OF 2023**

Raj Ramdev Tyagi	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Prashant Pandey a/w. Mr. Aigan Menon, Mr. Dinesh Jadhvani, Mr. Tushar Halwai, Mr. Irfan Unawalla i/b. WS Legal LLP, for the Applicant.

Mr. N.B. Patil, APP, for the Respondent/State.

Ms. Sulabha Rane i/b. Parab & Associates, for the Intervener.

Mr. Dilip Sawant, PSI, Bandra police station present.

CORAM : N. J. JAMADAR, J.

DATE : AUGUST 22, 2023

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 2088 of 2022 registered with Bandra police station, Mumbai for the offences punishable under sections 452 and 506(ii) of Indian Penal Code, 1860.

2. Mr. Sid Mohatoi, the first informant is the Chief Security Supervisor at Fortune Heights building, Bandra(w). The intervener stays in the said apartment on 14th floor along with her father and children. The applicant is the husband of the intervener. There has been a marital discord between the applicant and the intervener.

Multiple proceedings have been filed.

3. The first informant lodged a report with the allegations that on 20th December, 2022 at about 5.15 p.m. the applicant entered into Fortune Heights premises. The applicant desired to meet the father of the intervener and when the first informant informed the applicant that the intervener and her children had gone out, the applicant pushed the first informant, despite the request of the first informant not to enter into the building without the permission of the occupants. The applicant abused the first informant in filthy language and threatened to ampute the hands of the first informant and kill him.

4. I have heard Mr. Prashant Pandey, learned counsel for the applicant, Mr. N.B. Patil, learned APP for the State and Ms. Sulabha Rane, learned counsel for the intervener.

5. Mr. Pandey, learned counsel for the applicant informed the Court that the applicant and the intervener have resolved the disputes and the consent terms have been tendered before the Supreme Court in Special Leave to Appeal (Crl.) Nos. 9574-9576 of 2022. One of the term is to quash all the first information reports

including the instant first information report in C.R. No. 2088 of 2022.

6. Ms. Rane, learned counsel for the intervener submitted that she is not averse to the instant application being allowed. However, she submitted that the certain conditions of the consent terms are yet to be performed.

7. In any event, the genesis of the incident appears to be in the matrimonial dispute between the applicant and the intervener. Investigation seems to be complete as charge-sheet has been lodged. At best, an attempt to commit house trespass can be attributed to the applicant. Since the applicant and intervener have arrived at a comprehensive settlement of all the disputes and in view of the nature of the accusations, custodial interrogation of the applicant does not seem to be warranted, as the investigation is complete for all intent and purpose, I deem it appropriate to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] Application stands allowed.
- 2] In the event of arrest in connection with C.R. No. 2088

of 2022 registered with Bandra police station, Mumbai for the offence punishable under sections 452 and 506(ii) of Indian Penal Code, 1860 the applicant be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

3] The applicant shall not tamper with the prosecution evidence and shall not give threat or inducement to any of the prosecution witnesses.

4] The applicant shall regularly attend the proceedings before the jurisdictional Court, in the event the prosecution proceeds.

(N. J. JAMADAR, J.)