

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.330 OF 2023**

Khelan Bhupesh Parmar ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Adv. Vishal M. Deshmukh for the Applicant.
Adv. Sanjay A. Singh for the intervenor/original complainant.
Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 3, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.1185 of 2022 dated 21/08/2022 registered with Kandivali Police Station.
- 3.** The applicant married the complainant on 15/12/2006. In the complaint there are allegations of ill-treatment. It is also alleged that the applicant was chatting with many women and exchanging obscene

photographs. It is also alleged that the applicant is having an extra marital affair and spending money on this partner. It is then submitted that the applicant forcibly drove out the complainant from the matrimonial home.

4. My attention is invited by learned counsel for the applicant to the proceedings filed before the Metropolitan Magistrate 17th Court at Borivali under Section 12 read with Section 18, 19, 20, 22, 23 of the Protection of Women from Domestic Violence Act, 2005. The application was filed prior to the instant FIR. Apart from the reliefs sought, one of the prayer is for residence. The instant FIR is filed on 21/08/2022 in respect of the allegations for the period from 15/12/2016 to 08/04/2022. It is the allegation that gold ornaments mentioned in the FIR which are in the nature of streedhan of the complainant is with the applicant. The complainant has prayed for return of the streedhan.

5. Learned APP and learned counsel for the complainant submitted that the custodial interrogation of the applicant is required for the purpose of recovering the streedhan.

6. Learned counsel for the applicant invited my attention

to the order dated 29/04/2013 passed in Criminal Application No.322 of 2013 where this Court has stated that the present proceedings is not a recovery proceeding. It is open for the complainant to seek this relief in co-related proceedings.

7. The applicant must co-operate with the investigation. In my opinion, having regard to the nature of accusations, the custodial interrogation of the applicant is not required.

8. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R. No.1185 of 2022 registered with Kandivali Police Station, the applicant-Khelan Bhupesh Parmar shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the concerned police station on 08/02/2023, 09/02/2023 and 10/02/2023

between 11.00 a.m. and 2.00 p.m. and thereafter as and when called.

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

(e) 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.

(f) The applicant shall furnish the details of his residential address and phone number to the investigating officer.

9. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)