

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.292 OF 2023  
WITH  
INTERIM APPLICATION NO.484 OF 2023**

|                           |               |
|---------------------------|---------------|
| Abhishek Chamanlal Sharma | ...Applicant  |
| vs.                       |               |
| The State of Maharashtra  | ...Respondent |

Mr. Himanshu Dasondi, for the Applicant  
Mr. M.G. Patil, APP, for the Respondent/State.  
Ms. Ridhima Mangaonkar, for the Applicant in IA.No. 484 of 2023.  
Mr. P.P. Ahire, PSI, MIDC police station present.

**CORAM : N. J. JAMADAR, J.**  
**DATE : SEPTEMBER 26, 2023**

**P.C.:**

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 12 of 2023 registered at MIDC, Andheri(E) police station for the offences punishable under sections 498A, 377, 504 and 506 read with 34 of Indian penal Code, 1860.
3. The first informant is the wife of the applicant. Their marriage was solemnized on 18<sup>th</sup> March, 2010. It seems that the marital life of the applicant and the first informant was afflicted with discord. Eventually, the informant lodged report on 5<sup>th</sup> January, 2023 making allegations of cruelty against the applicant and his

relatives. The mother in law and father in law of the first informant have been granted pre-arrest bail by the Court of Session.

4. I have perused the allegations in the first information report. The allegations span over a period of 8-10 years. Primarily the allegations are of subjecting the applicant to matrimonial cruelty. The applicant has allegedly been given in to the vice of consuming liquor. The applicant allegedly had relationship outside marriage, as well. The first informant also alleged that she was subjected to physical and mental harassment.

5. The aforesaid allegations in the first information report even if taken at par do not warrant custodial interrogation of the applicant for effective and complete investigation.

6. The learned counsel for the first informant submitted that in the event pre-arrest bail is granted to the applicant, there is likelihood that the applicant may leave the country leaving the first informant and her daughter in the lurch. They have no income and financial security.

7. The apprehension on the part of the first informant cannot be termed as totally unfounded. However, that is not the remit of the instant proceeding. The first informant can seek appropriate relief in appropriate proceedings before the jurisdictional Court.

8. Indisputably, the genesis of the alleged offence, is in the long

standing matrimonial discord between the applicant and first informant. The allegations are not such that the custodial interrogation is warranted for effective investigation.

9. I am, therefore, inclined to allow the application. However, to facilitate the first informant to seek remedies before the appropriate forum, I am inclined to direct that the applicant shall not leave the country without the permission of the Court for a period of three months.

Hence, the following order.

#### **ORDER**

1] In the event of arrest in C.R. No.12 of 2023 registered with MIDC, Andheri (E) police station, the applicant Abhishek Chamanlal Sharma 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.

2] The applicant shall cooperate with the investigation and attend MIDC police station, on the first Saturday of every month in between 10 am to 12 noon for a period of three months.

3] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or the persons acquainted

with the facts of the case.

4] The applicant shall furnish his permanent address and contact details to the investigating officer.

5] The applicant shall not leave the country without the permission of this Court for a period of three months.

6] Application stands disposed.

7] The interim application also stands disposed.

**(N. J. JAMADAR, J.)**