

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2964 OF 2021

Kshitij Shishir Betharia	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
INTERIM APPLICATION NO. 851 OF 2022**

Kanak Kshitij Betharia	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Supriya Kak, for the Applicant in ABA.

Mr. Piyush R. Toshnival i/by Mr. Aashish Satpute, for the Applicant in IA.

Mr. Amit A Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 22, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.199 of 2021 registered with Gangapur police station, Nashik for the offences punishable under Sections 498(A), 406, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'). The applicant has filed the present application seeking relief under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.PC.).
2. According to the prosecution, the informant who is wife of the present applicant filed report alleging that the applicant had

misappropriated her 'stridhan' i.e. money and valuable articles given by her father worth of Rs.1,05,00,000/-. The allegations physically and mentally harassed her, are also made against the applicant. She, therefore, lodged report in the concerned police station. The applicant applied for anticipatory bail before the Sessions Judge, which came to be rejected by order dated 4 December 2021.

3. This Court by order dated 10 December 2021 continued the interim relief granted by the Sessions Judge. The said relief is in force during pendency of the application. The applicant and the respondent have resolved their dispute. In compliance to the terms of dispute, the applicant has deposited amount of Rs.1,75,00,000/- before the Family Court, Bandra, Mumbai. There is no dispute about deposit of the said amount towards settlement between the applicant and the informant.

4. Considering allegations made against the applicant and settlement of the dispute between the applicant and the informant. The applicant has made out the case for relief under Section 438 of Cr.P.C. Hence, following order:

a) In the event of arrest of applicant in connection with C.R.199 of 2021 registered with Gangapur police station, Nashik for the offences punishable under Sections 498(A), 406, 323, 504, 506 r/w 34 of IPC, he be released on bail on furnishing PR. bond of Rs.50,000/-, along with one or two sureties in the like amount.

b) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

5. The anticipatory bail application stands disposed of.
6. In view of disposal of the anticipatory bail application, nothing remains to be adjudicated in the interim application and the same stands disposed of accordingly.

(AMIT BORKAR, J.)