

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

**ANTICIPATORY BAIL APPLICATION NO.1040 OF 2022
WITH
INTERIM APPLICATION NO.1717 OF 2022**

Mr. Rohit Bharat Ahuja ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Rohan Hogle i/b Mr. Wasim Shaikh, for the Applicant.
Ms. A. A. Takalkar, APP for the State.
Mr. Kuldeep Nikam, for Intervener.
PSI-Mr. Manish N. Waghmare, Central Police Station,
Ulhasnagar present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 17, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R. No.81 of 2022 dated 13/03/2022 registered with Central Police Station, Ulhasnagar for the offence punishable under

sections 377, 498A, 406, 323, 34 of the Indian Penal Code, 1860.

3. The complainant married the applicant on 22/05/2017. In the complaint, it is alleged that the applicant was ill-treating her and on some occasion, had taken money from her as she was working and drawing handsome salary. In the complaint, certain details of the nature of harassment are mentioned. General allegations are made pertaining to the harassment meted out to the applicant. The applicant has filed an affidavit stating that he is willing to deposit a sum of Rs. 5 lakhs without prejudice to his rights and contentions. Learned counsel for the applicant on instructions submits that he has no objection if this amount of Rs. 5 lakhs is paid over to the complainant without prejudice to rights and contentions of the applicant. In the event if it is found that the complainant is not entitled to the said amount, the complainant will have to return the said amount. Considering the nature of the allegations which are an outcome of the matrimonial dispute between the applicant

and the complainant, custodial interrogation of the applicant is not required. Hence, the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. 81 of 2022 dated 13/03/2022 registered with Central Police Station, Ulhasnagar, the applicant- Rohit Bharat Ahuja be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall attend the investigating officer on 20th and 21st January 2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for.

(d) The applicant shall pay to the complainant a sum of Rs. 5 lakhs on or before 01/02/2023 which shall abide by the final outcome of the orders passed by the competent Court.

(e) Such deposit is without prejudice to the right of the complainant to file proceedings for maintenance or any other matrimonial proceedings before the appropriate Court.

4. The anticipatory bail application is disposed of. The interim application also stands disposed of.

(M. S. KARNIK, J.)