

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1334 OF 2023

Deepak Surji Shah

...Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Harshad Sathe, a/w. Ms. Manvi Sharma, for the Applicant.

Ms. P.N. Dabholkar, APP, for the Respondent State.

Mr. D.K. Londhe, PSI, Naupada Police Station, Thane.

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**CORAM : RAJESH S. PATIL, J.
(VACATION COURT)**

DATE : 10 MAY 2023

P.C. :

This ABA is filed under Section 438 by the Applicant apprehending his arrest in CR No.74 of 2023 registered with Nupada Police Station, Thane, for offences punishable under Section 498A, 406, 323, 504 and 506 of IPC.

2. The Applicant is husband of the original complainant. They were married nearly 25 years back and have two grown up children. However, according to the Applicant, some disputes arose in

the matrimonial life and hence, the wife of the Applicant filed a NC on 18 May 2021 at Naupada Police Station, Thane. Thereafter, the Applicant was summoned by Bharosa Cell. As there was no settlement between the parties after 25 years of marriage and disputes being arose, the complainant had left the matrimonial house. It is also stated that one of the son of the Applicant is staying out of India. The complainant, thereafter, lodged an FIR on 28 February 2023 against the Applicant and the family members of the Applicant, including his mother, brother and sister-in-law.

3. The present application is filed by the husband, as he apprehends that the police would arrest him for the alleged offence.

4. The Assistant PP states that if the Applicant co-operates, the police would not seek a custody of the Applicant and ABA can be granted, subject to conditions.

5. I am convinced after going through the contents of the FIR and hearing Mr. Sathe that a case is made out for granting ABA. The ABA is granted on the following terms and conditions:

- (i) In the event of arrest of the Applicant in C.R. No.74 of 2023 registered with Naupada Police Station, Thane, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;

- (ii) The Applicant is directed to report to the Investigating Officer for two days on 13 and 14 May 2023 between 11.00 a.m. to 2.00 p.m. and as and when required by the Investigating Officer and co-operate with the investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(RAJESH S. PATIL, J.)