

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

CRIMINAL APPEAL NO. 220 OF 2023

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|-----------------------------|----------------|
| 1. Mangesh Hirba Gavkar | |
| 2. Naina Mangesh Gavkar | |
| 3. Nimish Mangesh Gaonkar | ...Appellants |
| Versus | |
| 1. The State of Maharashtra | |
| 2. Ratnamala Pankaj Gavkar | ...Respondents |

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Mr. Himanshu Singh i/by Mr. R.R. Mishra, Advocate for the Appellants.

Mrs. Anamika Malhotra, APP for the Respondent – State.

Mr. R.N. Loke, (P.S.I.) Sakinaka Police Station, Mumbai, Present.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	22nd JUNE, 2023.

PER COURT:

1. The appellants have challenged the order dated 29.10.2020 passed by the First Additional Principal Judge, Sessions Court, Dindoshi, Mumbai rejecting the application for anticipatory bail.
2. The First Information Report was registered for offences punishable under Sections 498-A, 323, 504, 509 r/w Section 34 of Indian Penal Code (for short “IPC”) and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC/ST (Prevention of Atrocities) Act”).

3. The case is arising out of matrimonial dispute. The Appellants are father-in-law, mother-in-law and brother-in-law of the complainant.

4. Vide order dated 27.11.2020 interim relief was granted to the Appellants on a condition that the Appellants shall reporting Investigating Officer on 7th & 8th December 2020.

5. Learned Advocate for the Appellants on instructions submitted that, the parties have settled the dispute. Consent Terms were filed before the Family Court for Mutual Consent Divorce. The photo copy of the Consent Terms is tendered across the bar which is taken on record. The Consent Terms indicate that, the wife had agreed to withdraw criminal case registered vide C.R. No.1104 of 2020 filed by her against the husband and other relatives.

6. Learned A.P.P on instructions submitted that the proceedings under the provisions of the Atrocities Act were dropped and charge-sheet is filed for offences under Sections 498-A, 323, 504 & 509 r/w Section 34 of IPC. The report tendered by learned A.P.P is taken on record.

7. Considering the aforesaid circumstances, this appeal is required to be allowed. Hence, I pass the following order:

ORDER

- i. Criminal Appeal No. 220 of 2023 is allowed;
- ii. Interim order dated 27.11.2020 is confirmed.
- iii. The order dated 29.10.2020 passed by the learned First Additional Principal Judge, Sessions Court, Dindoshi, Mumbai in Anticipatory Bail Application No.895 of 2020 is quashed and set-aside.
- iv. In the event of arrest of the Appellants in connection with C.R. No. 1104 of 2020 registered with Sakinaka Police Station, Mumbai the Appellants be released on bail on furnishing P. R. Bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- v. Appeal stands disposed of accordingly.

(PRAKASH D. NAIK, J.)