

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

ANTICIPATORY BAIL APPLICATION NO. 1647 OF 2023

Omprakash Ramsevak Sonkar and Ors. ..Applicants

vs.

The State of Maharashtra ...Respondent

Ms.Priyanshu S. Mishra–Advocate for Applicant.
None APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATED : 19TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicants.
2. None of the learned A.PPs attached to this Court are present. It is told that Learned A.PP. Shri Dedhia and Shri Agarkar have gone to Mantralaya for their interview.
3. The Applicant No.1 is the husband and Applicant Nos. 2 and 3 are the in-laws of the First-Informant. Applicant No.4 is the maternal uncle of Applicant No.1. Priti Sonkar is the wife of Applicant No.1 – Omprakash Sonkar. She married with Omprakash on 25th June, 2019. She cohabitated with Omprakash till 22nd June, 2021. She was being harassed by these Applicants on account of bringing an

amount of Rs.15,00,000/- for purchasing four wheeler. The matrimonial house was at Dombiwali. She was driven out of the matrimonial home along with her daughter on 22nd June, 2021. Initially, she lodged complaint with Mahila Takrar Niwaran Kendra-Kalyan on 4th July, 2022.

4. Applicant No.1 – husband was called there and his statement is recorded on 7th September, 2022 (Page No.24). He has expressed desire to cohabit with the First-Informant. However, according to the husband, wife is not willing.

5. Thereafter, an FIR is registered on 2nd January, 2023 at Dombivali Police Station for the offences punishable under Sections 323, 498-A, 504, 506 read with 34 of Indian Penal Code, 1860 [“IPC”].

6. The Police have given a notice under Section 41-A of the Code of Criminal Procedure, 1973 [“Cr.PC.”] on 7th January, 2023 issued to the Applicant.

7. The Applicants have not approached first to the concerned Court of Sessions – Kalyan and it is claimed that for paucity of time, they have approached this Court. It is claimed that this is a plain matrimonial dispute and no criminal intent is involved. Even the

Applicant-husband has filed Restitution Petition before the Family Court at Baroda. It is after registration of the offence. A copy of complaint made by the Applicant-husband to the Commissioner of Police – Surat is on Page No.14.

8. There is no grievance of misappropriation of ornaments. As such, it seems that custodial interrogation is not required. But, it is advisable that Applicants should approach the Court of Session. Learned Advocate for the Applicants seeks some time to approach that Court and pressed for protection for certain duration.

9. No one is present on behalf of the concerned Police Station.

10. In view of that, following order is passed :-

ORDER

- (i) Let the Applicants are at liberty to approach the Court of Session – Kalyan within a period of seven days from today.
- (ii) The Applicants be protected from arrest for two weeks from today.
- (iii) In case of an arrest in connection with C.R. No. 4 of 2023 registered with Dombivali Police Station – Thane City for the offences punishable under Sections 323, 498-A, 504, 506 read with 34 of IPC, the Applicants namely (i) Omprakash Ramsevak Sonkar (ii) Maltidevi Ramsevak Sonkar (iii) Ramsevak Funnu Sonkar and (iv) Shivabhai Chotelal Sonkar be released on furnishing personal bond and

surety bond of Rs.15,000/- each.

- (iv) The concerned Court of Session to decide the matter on merits.

11. Application is disposed of in the aforesaid terms.

12. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.

13. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]