

+Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2938 OF 2023

Vaibhav Sharma

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Mateen Shaikh with Ms. Jessy Payne, Ms. Muskan Shaikh, for Applicant.

Mrs. A. A. Takalkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 20th OCTOBER, 2023

PC:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This application is for transit pre-arrest bail in connection with C.R. No. 839 of 2023, registered with Maharajpura police station, Gwalior, for the offences punishable under Section 498-A of Indian Penal Code, 1860 ("the Penal Code") and Sections 3 and 4 of Dowry Prohibition Act, 1961.
- 3) The applicant apprehends arrest by the Maharajpura police in connection with FIR registered by the applicant's wife.

The parents of the applicant have been served with a notice under Section 41(1) of the Code of Criminal Procedure, 1973.

4) The learned Counsel for the applicant submitted that the applicant is ready to co-operate with the investigation and appear before the concerned police station. In fact, the applicant has filed a Marriage Petition in the Court of learned Civil Judge, Senior Division, Belapur on 24th July, 2023. The proceedings arise out of matrimonial dispute.

5) I have perused the allegations in the FIR. Prima facie, it appears that the genesis of the alleged offences is in marital discord between the parties. A marriage Petition seems to have been already instituted. In view of the above, I am inclined to protect liberty of the applicant for a limited period so as to facilitate the applicant to approach the jurisdictional Court.

6) Hence, the following order:-

ORDER

I) The applicant shall report at Maharajpura Police Station, Gwalior on or before 30th October, 2023.

II) In the meanwhile, in the event of arrest of the applicant in connection with C.R. No. 839 of 2023, registered with Maharajpura police station, Gwalior, for the

offences punishable under Section 498-A of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) This order shall remain in operation till 3rd November, 2023.

V) The application stands disposed.

[N. J. JAMADAR, J.]