

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2995 OF 2023

Prasad Mahesh Parkar

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Anmol Mishra a/w. Mr. Amit Dubey i/b. Mr. Ashok Saraogi, for
the Applicant

Mr. S.H. Yadav, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 26, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned
APP for the State.

2. This application is preferred seeking pre-arrest bail in
connection with a complaint lodged by the wife of the applicant at
Pen police station for the offences punishable under sections 377,
498A, 406, 323, 504 and 506 read with 34 of Indian penal Code,
1860.

3. The wife of the complainant made allegations of matrimonial
cruelty against the applicant and his relatives. The applicant was
summoned. The statement of the applicant came to be recorded by
Pen police.

4. Apprehending arrest, the applicant and his relatives
approached the Court of Session. By an order dated 21st October,

2023 the learned Additional Session Judge, Raigad-Alibaug was persuaded to exercise the discretion in favour of the relatives of the applicant. However, the application of the applicant came to be rejected.

5. The learned counsel for the applicant submitted that the first informant has made wild allegations on account of matrimonial dispute. In fact, the wife of the applicant is seeking dissolution of the marriage and one time alimony of Rs. 20 Crores. Attention of the court was invited to a communication addressed by the father in law of the applicant containing the said demand.

6. I have perused the gist of the allegations in the complaint lodged by the wife of the applicant. Prima facie, it seems the allegations have been made on account of matrimonial discord between the parties. The allegations are not such that custodial interrogation of the applicant is warranted to facilitate further investigation. It further appears that the applicant has appeared before the police and his statement has also been recorded. The applicant appears to have roots in society. Possibility of fleeing away from justice and tampering with the evidence seems remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. In the event of arrest in connection with the complaint lodged

by Pooja Prasad Parkar, the wife of the applicant, with Pen police station, for the offences punishable under sections 377, 498A, 406, 323, 504 and 506 read with 34 of Indian penal Code, 1860, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

8. The applicant shall cooperate with the investigation and attend Pen police station, on 3rd and 4th November, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

9. The applicant shall not contact the complainant and/or tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

10. The applicant shall regularly attend the proceedings before the jurisdictional Court.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)