

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.3498 OF 2022

VAIBHAV
RAMESH
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Kamal Chandrakant Nevase & Ors. ... Applicants
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Rahul S. Kate for the applicant.

Ms. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 31, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.81 of 2022 registered with Malegaon Police Station, District Pune for offences punishable under sections 313, 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code, 1860, the applicants are seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, the informant and the accused No.1 were married on 4th February 2021. After six months she was mentally and physically harassed by the accused. It is alleged that on 6th December 2021, the accused No.1 forced her to abort. It is also alleged that the applicants assaulted her after the abortion. She, therefore, lodged a report alleging physical and mental harassment and assault against the accused persons.

3. The applicants who are mother-in-law and sister-in-law filed an application under section 438 of the Criminal Procedure Code, 1973 before the Sessions Judge, which came to be rejected by the Sessions Judge on 8th December 2022.

4. The applicant approached this Court. This Court by order dated 19th December 2022 protected the applicants. The said interim relief is in force till today. There is no complaint that the applicants have violated the conditions.

5. On overall perusal of the allegations in the report and material on record, it appears that the allegations made against the applicants are vague. The Apex Court has held that roping in of in-laws in matrimonial matters based on vague allegations is on increase. Having scrutinized the allegations in the context laid down by the Apex Court, in my opinion, custodial interrogation of the applicants is not necessary. Hence, following order:

a) In the event of arrest of the applicants in connection with C.R. No.81 of 2022 registered with Malegaon Police Station, District Pune for offences punishable under sections 313, 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code, 1860, they be released on bail on furnishing PR Bond in the sum of Rs.15,000/- each, along with one or two sureties in the like amount;

b) The applicants shall remain present before the investigating officer on 4th, 5th and 9th August 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;

- c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - e) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.
6. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)