

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

ANTICIPATORY BAIL APPLICATION NO.2648 OF 2018

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Atin Shriram Valivadekar ..Applicant

VS.

The State of Maharashtra and anr. ..Respondents

Mr. Sanjeev P. Kadam a/w Mr. Pratik Deshmukh i/b. Mr.
Prashant P. Raul for the Applicant.

Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 12, 2023

P.C. :

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

2. On 21/12/2018 this Court passed the following
order :-

“This is an application for anticipatory bail in crime no.
391 of 2018 registered with Mahim Police Station for
offence punishable under section 498 (A), 506 (2),
406, 377, 325, 3223, 504, 506, 505r/w 34 of the
Indian Penal Code and section 3 & 4 of the Dowry
Prohibition Act.

2. F.I.R. was lodged on 21/10/2018. Marriage was
solemnized between the applicant and the
complainant on 27/06/2012. Complainant/informant is
present in the Court. She seeks time to prefer
intervention application and engage Advocate to
represent her.

3. The learned Advocate for the applicant submitted that during pendency of the application before the Sessions Court, interim protection was granted to him and after rejection, said protection is continued till today.

4. In the circumstances, interim protection can be granted to the applicant.

ORDER

(I) In the event of arrest of applicant in crime no. 391 of 2018 registered with Mahim Police Station, applicant be released on bail on furnishing P.R. bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.

5. Stand over to 10/01/2019, to be listed high on board."

3. The present application is pending since then. The allegations are of mental and physical harassment against the applicant. The applicant is the husband. It is the contention of learned counsel for the applicant that there is a gross delay in lodging the FIR.

4. At this distance of time it is pointed out by learned APP that the investigation is already complete and the charge-sheet is likely to be filed soon. The applicant has co-operated with the investigation.

5. Considering the nature of the allegations and the applicant is protected since 21/12/2018, the stage at which

the investigation is, in my opinion, the custodial interrogation of the applicant is not required. The interim protection granted to the applicant on 21/12/2018 therefore deserves to be confirmed. Hence, the following order :-

ORDER

- (i) In the event of arrest of applicant in crime no. 391 of 2018 registered with Mahim Police Station, applicant be released on bail on furnishing P.R. bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.
- (ii) The applicant shall report to the Investigating Officer of the concerned police station as and when called.
- (iii) The applicant to co-operate with the Investigating Officer.
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(v) The applicant shall furnish the details of his residential address and phone number to the investigating officer.

6. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)