

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

**CRIMINAL ANTICIPATORY BAIL
APPLICATION NO. 2829 OF 2021**

Sudhir Suresh Chavan

...Applicant

Versus

The State of Maahrashtra

...Respondent

....

Mr. Pradhuman Chauhan, for Applicant.

Mr. Balwant V. Salunkeh, for Intervener in IA/3103/2021.

Mr. Kiran C. Shinde, APP for State.

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CORAM : SANDEEP V. MARNE, J.

DATED : 21 MARCH 2024.

P. C. :

This is an Application seeking pre-arrest bail under Section 238 of the Code of Criminal Procedure in connection with C.R. No.580 of 2021 registered with Jat Police Station district Sangli for offences punishable under Sections 498A, 323, 504, 506 r/w. Section 34 of the Indian Penal Code. It appears that subsequently Sections 377 and 406 are also added.

2. Applicant and Complainant are husband and wife. There are matrimonial disputes pending between the couple. Complainant has filed complaint under the provisions Protection of Women from Domestic Violence Act, 2005 in the Court of Judicial Magistrate First Class, Jat which are transferred to the Court at Sangli. It appears that the Applicant has filed petition seeking divorce, which is also

transferred to the Court at Sangli. Orders for payment of maintenance are passed in those proceedings, which are challenged by the Applicant before higher Courts.

3. Applicant is a Constable employed in Mumbai police. Considering the nature of employment of the Applicant, I do not see any reason why he would avoid presenting himself for investigation. It appears that Applicants mother and sister have filed Criminal Writ Petition No.20 of 2022 in this Court in which Division Bench has passed Order dated 13 October 2022 restraining the police from filing a charge-sheet *qua* them. The Applicant is under interim protection granted by this Court since 26 November 2021. It appears that the police has not yet completed investigation nor have filed charge-sheet against the Applicant despite passage of about two and half years.

4. Learned APP would submit that Complainant has alleged that her Stridhay in the form of jewellery still is in the custody of the Applicant for which Applicant's custodial interrogation is necessary. On the other hand, it is the contention of Applicant that Complainant has taken all the jewelry with her while leaving the matrimonial house.

5. In pursuance of Order passed by this Court on 07 March 2024, Applicant has paid maintenance dues to the tune of Rs.1 Lakh to the Complainant. The learned counsel appearing for Complainant would submit that there are still substantial dues towards maintenance from the Applicant. It is however contended on behalf of the Applicant that one of the Orders passed for payment of maintenance of Rs.6,000/- is already stayed whereas challenge in respect of Order of maintenance of Rs.17,000/- is pending. Be that as it may. It would be for the Complainant to get the maintenance orders executed and the present proceedings cannot be used for executing the orders for maintenance.

6. The learned counsel appearing for Applicant would assure the Court that the Complainant shall remain present in the Police Station whenever a requisition to that effect is sent to him. Considering the nature of employment of the Applicant, who himself is employed as Constable with Mumbai police, I do not see any reason why the Applicant would avoid any summons issued by police calling him for investigation and risk his job. Considering that the nature of disputes between the Applicant and Complainant are matrimonial in nature, and that the Applicant is under protection of this Court from last about two and half years, in my view, Application need not be kept pending any further.

7. Accordingly, interim protection granted by this Court by Order dated 26 November 2021 is made absolute. Applicant shall remain present in the police station whenever called for investigation. With the above directions the Anticipatory Bail Application is allowed and disposed of.

SANDEEP V. MARNE, J.

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