

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

ANTICIPATORY BAIL APPLICATION NO. 239 OF 2024

Mrs. Sumangali Suresh Babu	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Mukesh Subramaniam i/b. Rony Wilson for Applicant.
Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 29 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.358 of 2023, registered at Khandeshwar Police Station, Navi Mumbai, on 17.12.2023, under sections 323, 379, 504 and 506 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Mukesh Subramaniam, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.
3. The F.I.R. is lodged by the husband of the applicant. He has stated that, he was staying with the applicant from 2011 to 2017 at New Panvel in his own house. The couple was staying

with their two daughters and a son who were adults. The F.I.R. mentions that, there was dispute between the couple on the ground of taking care of the informant's mother. On that count, there used to be frequent quarrels. It is alleged that the applicant and her uncle used to beat the informant and used to threaten him to involve him in a false case. It is his specific case that, on 23.10.2016, the applicant committed theft of certain articles. Those were two mobile phones, a pen drive, key of a two wheeler, passbooks, documents of the house, income tax file, receipts of children's educational expenses etc. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the informant had filed a private complaint before the J.M.F.C., Panvel and the learned Magistrate had passed an order dated 23.05.2017 directing investigation U/s.156(3) of the Cr.p.c. After about 6 years this F.I.R. is lodged on 17.12.2023. He submitted that, in between, the applicant has filed proceedings under the Protection of Women from Domestic Violence Act. This is nothing but a matrimonial dispute. The informant is defaulting in paying the maintenance

and instead, he is pressurising the applicant with this proceedings.

5. Learned APP left the matter to be decided to the discretion of the Court.

6. I have considered these submissions. The alleged incident of theft is dated 23.10.2016. More than 7 years have passed. The documents which are alleged to be stolen will not cause any harm to the informant. If he is entitled to those documents, he can get those documents from the respective authorities. In any case, the alleged incident is old. The F.I.R. was not lodged for more than 6 years after the Magistrate had passed the order. Therefore, after all these years, the custodial interrogation of the applicant will not serve any purpose at all. There is substance in the submission of the learned counsel for the applicant that, out of the matrimonial dispute, the informant is pressurizing the applicant. Considering all these circumstances, the applicant deserves to be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of her arrest in connection with C.R.No.358 of 2023, registered at Khandeshwar Police Station, Navi Mumbai, the applicant is directed to be released on bail on her executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)