

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

CR. ANTICIPATORY BAIL APPLICATION NO. 334 OF 2024

Jitendra Singh Bhamra ...Applicant
Versus
The State Of Maharashtra ...Respondent

Adv. Raviraj Paramane a/w. Adv. Mugdha Moghe for the Applicant.
Smt. M. H. Mhatre, APP for the Repspondent - State.

CORAM : SARANG V. KOTWAL, J

DATED : 6th FEBRUARY, 2024

P.C.:

1. The Applicant is seeking anticipatory bail in connection with C. R. No. 15 of 2014 registered at Kharghar Police Station, dated 06/10/2014 u/s. 312, 313, 316, 325, 377, 498-A, 504, 506, 509 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Paramane, learned counsel for the Applicant and Smt. Mhatre, learned APP for the Respondent-State.
3. The FIR is lodged by the wife of the Applicant. The FIR is dated 06/10/2014. She has stated that she got married with the Applicant on 21/10/2012 at Vashi. The Applicant was employed in USA. After the marriage, the Applicant's mother took the ornaments of the informant in her own custody. The Applicant was short tempered. He used to scold and sometimes slap her. There

are allegations that after marriage the physical relationships involved ingredients of section 377 of IPC. In the year 2013 the informant became pregnant. It is alleged that on 25/02/2013 she had undergone abortion. It is her case that the Applicant had given some pills without her knowledge, which had caused the abortion. After that the informant's mother was sent to USA to take care of the informant. It is alleged that the Applicant's mother used to ask for money for the informant's treatment. There are allegations that the Applicant harassed and ill-treated the informant physically and mentally in USA. The Applicant's mother demanded a car from the informant's father. The informant was sent to Thane for attending wedding ceremony of the Applicant's sister on 20/08/2014. The Applicant's mother and sister assaulted the informant and tried to cause burn injuries. The Applicant's mother took the informant's documents and kept them with herself. Since 28/02/2014, the informant started residing with her parents. On these allegations, the FIR is lodged.

4. Learned Counsel for the Applicant submitted that the Applicant has intention to come back to India and sort out the legal proceedings. The allegations are old. The charge-sheet is already filed and the Applicant's custodial interrogation is not

necessary.

5. Learned APP submitted that the Applicant has been evading the due process of law. There are serious allegations against the Applicant and therefore, the anticipatory bail application cannot be granted.

6. I have considered these submissions. I have perused the charge-sheet annexed to this Application. There are statements of parents, uncles, aunts and the grandmother of the informant. All the family members of the informant have supported her case in the FIR. The perusal of the FIR shows that since February, 2014 the informant is residing in her parents' house. More than 10 years have passed. The allegations about unnatural physical relationship are in respect of the alleged incidents, which had taken place about 10 to 12 years ago. All these allegations would be a subject matter of the trial. At this stage, for all these allegations, the custodial interrogation of the Applicant will not serve any purpose. As far as the other allegations of demand are concerned, they are mainly directed against the Applicant's mother. There are only general allegations against the Applicant regarding ill-treatment and no specific incident is mentioned. The informant's mother had gone to USA to look after her. That means the informant's family

was not prohibited from taking care of the informant. The allegations about giving pills causing her abortion do not travel beyond suspicion. There is no definite material to substantiate those allegations. The FIR is lodged in the year 2014. Therefore after 10 years, I do not see any reason to deny the protection u/s. 438 of the Cr.P.C to the Applicant.

7. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C. R. No. 15 of 2014 registered at Kharghar Police Station, the Applicant is directed to be released on bail on his furnishing 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 Applicant shall cooperate with the investigation agency as well as with the Trial court for expeditious disposal of the Trial.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)