

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

ANTICIPATORY BAIL APPLICATION NO.449 OF 2024

Prashant Balasaheb Munde Applicant
Versus
The State of Maharashtra Respondent

Mr. Ashish Vernekar, Advocate i/b. Sahil S. Morey for the Applicant.

Mr. Avinash A. Naik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 27th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.378/2023 registered at Khandeshwar Police Station, Navi Mumbai on 28.12.2023 under sections 323, 406, 498-A, 504, 506 read with 34 of IPC.

2. Heard Mr. Ashish Vernekar, learned counsel for the Applicant and Mr. Avinash Naik, learned APP for the Respondent-State.

3. The first informant is the Applicant's wife. They got married on 11.7.2016. Thereafter they started residing at New Panvel. The Applicant and the first informant are both Dentists. The informant got a job on 8.8.2016. The Applicant did not get a job. The Applicant had gone to his native place for about ten days. According to the first informant, during those 10 days the family members instigated him. After that he came back to reside in New Panvel. There are allegations that the Applicant was addicted to liquor and under that influence he used to beat her. On 18.5.2018, a son was born to the couple. In December, 2022 the Applicant was admitted to ICU because of his liver problem. It is mentioned in the FIR that the Applicant used to abuse and beat her under the influence of liquor. On 16.10.2023, he assaulted her with kick and fist blows. He took her gold ornaments consisting of four gold bangles and one gold heavy ring. Thus, he took away the ornaments weighing ten tolas of gold. It is alleged that the Applicant was pressuring her to transfer her flat in his own

name. He and his family were demanding Rs.20 Lakhs for starting a clinic. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant had sent a notice to the first informant on 11.12.2023. The informant had replied to that notice through a reply dated 28.12.2023 through her Advocate. He submitted that after receiving this notice and at the time of sending this reply, this FIR is lodged as an afterthought to counter-blast the steps taken by the Applicant. He submitted that in the reply sent by the informant there are no allegations of taking the ornaments or assaulting the informant.

5. Learned APP opposed these submissions based on the FIR. He submitted that the offences mentioned in the FIR are made out by the allegations in the FIR.

6. I have considered these submissions. As rightly submitted by learned counsel for the Applicant, the main allegations of taking away the ornaments and assaulting the informant are not mentioned in the reply sent by the

informant. There is a vague allegation that the Applicant was harassing her mentally and physically. No specific instances or instance of assault by kick and fist blows is mentioned. It appears to be a matrimonial dispute for which the Applicant's custodial interrogation is not necessary. The Applicant is a dentist. Both the Applicant and the first informant are educated. Considering the overall circumstances, in my opinion, the custodial interrogation of the Applicant is not necessary. He can be protected under Section 438 of Cr.PC. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.378/2023 registered at Khandeshwar Police Station, Navi Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.02.29
11:28:16 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)