

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

ANTICIPATORY BAIL APPLICATION NO. 399 OF 2024

Paresh Prabhakar Kate

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Jayant Bardeskar a/w. Viral Shukla a/w. Priti Shukla a/w.

Rudra Dani i/b. Shukla & Associates for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12 FEBRUARY 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 522 of 2023 registered at Panvel city Police Station, Navi Mumbai, on 16.09.2023, under sections 498-A and 354 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Jayant Bardeskar, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by the sister in law of the applicant. She was his brother's wife. She has stated that, she got married

with the Applicant's brother on 22.12.2018. At that time, her father had spent Rs.7 lakhs and had given gold ornaments. After the marriage, she started residing with her husband and his family consisting of husband's parents and the present applicant. It is alleged that, the applicant used to taunt her. On one occasion, he had pinched her on the leg. He used to push her. On 22.02.2019 her husband went to U.S.A. in connection with his job with the Merchant Navy. After that, within 4-5 days, the applicant played some songs and tried to force the informant to dance. It is alleged that, under the influence of liquor he had touched her inappropriately. The F.I.R. thereafter goes on to mention that the informant's husband came back in November 2019. He took her back from her parent's house. Thereafter the informant's husband started harassing her after consuming liquor. He used to suspect her character and used to beat her. He used to put CCTV camera inside the house. The F.I.R. mentions different instances regarding the illtreatment meted out by the informant's husband. It is alleged that, he was having extra marital affair. There was some attempt of settlement between the couple, but it failed. After that,

she started residing with her parents. Her husband sent her a notice in July 2023. She had replied to that notice, but there was no settlement. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the allegations against the applicant are false and vague. The last allegation against the applicant was somewhere around February 2019. More than five years have passed. Those allegations are false. He submitted that the entire F.I.R. is directed against the husband. The applicant's custodial interrogation is not necessary. He was residing separately with his parents and wife in a different house.

5. Learned APP submitted the report of the police. It is taken on record and marked 'X' for identification. It is mentioned in the report that if the applicant was willing to abide by the conditions, the Court may pass appropriate order. In effect, the police have not opposed this application.

6. I have considered these submissions and the report submitted by the police. There are two allegations against the

present applicant. Both these allegations are with reference to the incidents which allegedly had taken place five years ago. The F.I.R. is mainly against the informant's husband. The allegations are against him. In this background and taking into consideration the report submitted by police, custodial interrogation of the applicant is not necessary. He can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No. 522 of 2023 registered at Panvel city Police Station, Navi Mumbai, the applicant is directed to be released on bail on his 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 Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)