

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1064 OF 2024

Ankit Hasmukhbhai Kasla

.... Applicant

Versus

The State of Maharashtra

.... Respondent

YUGANDHARA
SHARAD
PATIL

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Mr. Harshit Kabali i/b Nomaan Coatwala , for the applicant.
Ms. Mahalakshmi Ganapathy , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 22nd APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 168 of 2024, registered at Samata Nagar Police Station, Mumbai, on 11/03/2024, under Sections 498A, 406, 354, 509, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Kabali, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by the Applicant's wife. She has stated that since she got married with him on 19/01/2008. At the time of the marriage, her father had spent money for ornaments etc. After the marriage she started residing with the Applicant's family. There used to be frequent quarrels between the informant and the Applicant's mother. Therefore, at her request, the Applicant had taken a separate flat at Kandivali. Subsequently, the Applicant had sold that flat because of some reasons and they were residing in a rented premises. The FIR goes on to mention different instances from the year 2009, 2010, 2012, 2014, 2015, 2019 and 2020. There are allegations that on all such occasions, either the Applicant was assaulting and abusing or telling her to keep relations with different people. There are allegations that the Applicant was suspecting her character. Finally in August 2023, because of quarrels, the informant started residing with her parents. After that this FIR is lodged.

4. Learned counsel for the Applicant submitted that the three children of the couple are staying with the father. The

Applicant had never harassed her. He submitted that the allegations pertain to old incidents. The allegations are false. In this background, the custodial interrogation of the Applicant is not necessary.

5. Learned APP opposed these submissions and relied on the allegations made in the FIR.

6. I have considered these submissions. It is clear that the relationship between the Applicant and the informant is strained. The informant is staying separate since 12/08/2023. The FIR is lodged on 11/03/2024. It is not lodged immediately. It indicates that some definite thought had gone behind not lodging the FIR immediately. However, that would be a matter of trial. At this stage, the fact remain that the FIR was not lodged within a reasonable time. Apart from that, the incidents mentioned in the FIR are quite old. Last incident mentioned is from January 2021 about the harassment caused to the informant. The last quarrel was in August 2023. All the incidents are quite old, for which after all these years, the custodial interrogation of the Applicant would

not serve any purpose. In this background, it would be sufficient if the Applicant co-operates with the investigation. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 168 of 2024, registered at Samata Nagar Police Station, 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 co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)