

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

ANTICIPATORY BAIL APPLICATION NO. 1597 OF 2024

Subhash Madanlal Jain

Aged 46 years, Occ. Business,

R/at. B-103, Deepak Jyoti Tower,

P. T. Road, Near Lalbaug, Kalachowki,

Mumbai Tank Road, Mumbai – 400 033.

..Applicant

Vs.

The State of Maharashtra

(At the instance of the P.I. -

Bhayander Police Station, C.R. No.140/2024)

..Respondent

Mr Aniket Nikam i/b. Mr Nihal Mansuri, for the Applicant.

Ms Rashmi Tendulkar, APP for the Respondent – State.

Ms Shamamah Kazi a/w. Mr Sagar Pujari, for the Intervener
(through VC).

API M. B. Kature, Bhayander Police Station present.

CORAM : R. N. LADDHA, J.

DATE : 14 JUNE 2024

P.C.

. Heard Mr Aniket Nikam, the learned Counsel representing the applicant, Ms Rashmi Tendulkar, the learned Additional Public Prosecutor representing the respondent/ State and Ms Shamamah Kazi, learned Counsel representing the Intervener.

2. The applicant is apprehending arrest in connection with

Crime No.140/2024, registered at Bhayander Police Station, Thane, for the offences punishable under Sections 498-A, 323, 504 and 506 r/w. 34 of the Indian Penal Code.

3. At the outset, the learned counsel for the applicant pointed out that the applicant is the husband of the complainant, and that the co-accused, who are his relatives, have already been granted bail by the trial Court. The complainant and the applicant were married in 2012, and had a son in 2013. The complainant initially left the matrimonial home in 2017 but returned to live with the applicant in 2021. Later, in 2021, she left again and initiated the proceedings under the provisions of Domestic Violence Act.

4. Learned Additional Public Prosecutor and learned Counsel representing the first informant, in unison, assert that there are specific allegations that the applicant / accused, claiming possession of the informant's nude images on his mobile phone and laptop, with threats of disseminating them on social media.

5. Upon perusing the record, it seems that the marital conflict began in 2017, and by 2021, the complainant had initiated proceedings under the Domestic Violence Act. The other co-accused have been granted bail by the trial Court. The only ground for denying the applicant's request for anticipatory bail was to secure the device containing the offensive photographs of

the informant. The learned counsel for the applicant, on instructions, makes a statement that the applicant is willing to surrender his mobile phone and laptop to the investigating officer.

6. In this backdrop, the custodial interrogation of the applicant is not necessary. The apprehension of the prosecution that the applicant may tamper with the prosecution evidence / witnesses can be addressed by imposing appropriate conditions. Accordingly, the present application is allowed in the following terms:

- (i) In the event of arrest of the applicant Subhash Madanlal Jain in Crime No.140/2024, registered at Bhayander Police Station, Thane, he be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station on 18 June 2024 between 11.00 a.m. to 12.p.m. and shall surrender his mobile phone and laptop to the investigating agency and cooperate with the investigation and attend the police station as and when required.
- (iii) The applicant shall not, himself or through any other

person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application is disposed of accordingly.

R. N. LADDHA, J.