

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

Anticipatory Bail Application No.1984 of 2024

Mr Anilkumar Vijaynath Vishwakarma

Aged: 35 years, Occ-Business;

R/at: Room No.401, 4th Floor, E-Wing,

Elder Bery Building, Mohan Village,

Badlapur, Sirgaon, Thane.

... Applicant

v/s.

The State of Maharashtra

(At the instance of Sr. Inspector

Sahar Police Station, Andheri-E,

In CR No.0416/24)

... Respondent

....

Mr Shailesh Kharat, for the Applicant.

Mr MG Patil, APP, for Respondent State.

PSI Lalwande, Sahar Police Station, present.

....

Coram : R.N. Laddha, J.

Date : 18 July 2024.

P.C. :

Heard Mr Shailesh Kharat, the learned Counsel appearing on behalf of the applicant, and Mr MG Patil, the learned Additional Public Prosecutor, representing the State.

2. By this application, the applicant is seeking pre-arrest bail in CR No.416 of 2024, registered at Sahar Police Station, Mumbai, for the offences punishable under Sections 323, 498-A, 504, 506 read with 34 of the Indian Penal Code (IPC).

3. The crux of the allegations against the applicant and his entire

family is that they demanded dowry from the informant, frequently engaged in arguments over minor issues, subjected her to abuse and physical assault, and mentally harassed her by labelling her as unlucky.

4. Mr Shailesh Kharat, the learned Counsel for the applicant, submits that the co-accused have already been granted anticipatory bail. On 05.03.2024, the applicant filed a divorce petition against the informant. In response to that petition, the present FIR was lodged on 11.04.2024. The custodial interrogation of the applicant is unnecessary, as there is nothing to be recovered from him.

5. Mr MG Patil, the learned APP, submits that the informant's father had gifted a motorcycle and Rs.51,000/- at the time of marriage. The applicant, suspecting the child's paternity, subsequently ill-treated and harassed the informant.

6. Upon perusing the records, it appears all the co-accused have been granted anticipatory bail. On 05.03.2024, the applicant filed a divorce petition, and the present FIR was lodged on 11.04.2024. The investigation is on the verge of completion, and nothing is to be recovered or discovered from the applicant. The allegations, have their genesis in the marital discord. To address the prosecution's concern about evidence tampering, appropriate conditions can be imposed.

7. In view of the above and having regard to the nature of allegations, this Court is inclined to allow the present application.

Accordingly, the application is allowed in the following terms.

-Order-

- (i) In the event of applicant's arrest in CR No.416 of 2024 registered at Sahar Police Station, Mumbai, he shall be released on bail on executing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall attend the police station as and when required.
- (iii) The applicant, himself or through any other person shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]