

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

Anticipatory Bail Application No.2497 of 2024

1. Nitesh Sudhakar Rai,

Age: 39 years, Occupation:
Service, Residing at Room No.310,
Gaurav Garden Complex, C Wing,
Mira Bhayandar Road, Mira Road (E),
Thane 401 107

2. Vinod Sudhakar Rai

Age: 59 years, Occupation:
Business, Residing at Room No.310,
Gaurav Garden Complex, C Wing,
Mira Bhayandar Road, Mira Road (E),
Thane 401 107

... Applicants/
Orig. Accused

v/s.

1. State of Maharashtra

(Through Navghar Police Station, Mumbai)

2. Anjali Nitesh Rai,

310/C Wing Gaurav Garden,
Mira Bhayandar Road, Mira Road (E),
Thane 401 107

... Respondents

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Mr Saurabh P Mehta, for the Applicant.

Ms Supriya Kak, APP, for Respondent State.

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Coram : R.N. Laddha, J.

Date : 8 October 2024

P.C. :

Heard Mr Saurabh Mehta, the learned Counsel appearing on behalf of the applicant and Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this is an application, the applicant is seeking pre-arrest bail, in CR No.310 of 2024, registered at Navghar Police Station, Mira-Bhayander, Vasai-Virar, for offences punishable under Sections 354, 377, 406, 504, 506 read with 34 of the Indian Penal Code.

3. At the outset, the learned Counsel for the applicants submit that the applicant No.1 has already been arrested in connection with this crime. Consequently, the application concerning applicant No.1 is dismissed as infructuous.

4. The learned Counsel for the applicant argues that the FIR lacks specific details and there is a significant delay in lodging it. The allegations pertain to the period from June 2021 to June 2022, yet the FIR was filed on 16 May 2024. On 18 May 2024, the applicant attended the police station, surrendered his mobile phone, and cooperated with the investigation.

Applicant No.1, who is husband of the informant, has been arrested and subsequently released on bail. There is nothing further to be recovered or discovered from the applicant.

5. Ms Supriya Kak, the learned APP, submits that the offence is serious in nature, involving ill-treatment and harassment of the informant by the applicant. However, she acknowledges that the investigation has been concluded and the charge sheet is ready to be filed.

6. Upon perusing the FIR, it appears that there are various allegations against the applicant, including demands for dowry and physical and mental torture. The records indicate that the co-accused, who is the husband of the informant, was arrested and released on bail. There is a substantial delay in filing the FIR. Moreover, the applicant has attended the police station and cooperated with the investigation. The investigation has been concluded and there is nothing further to be recovered or discovered from the applicant. In the totality of circumstances, I am inclined to grant pre-arrest bail to the applicant. Hence, the following order.

Order

(i) In the event of applicant's (Vinod

Sudhakar Rai) arrest, in connection with CR No.310 of 2024, registered at Navghar Police Station, Mira-Bhayander, Vasai-Virar, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant (Vinod Sudhakar Rai) shall attend the concerned Police Station as and when required and cooperate with the investigation and shall not tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]