

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2414/2024

MANOJ S/O DNYANESHWAR SATTYAVIJAY ...APPLICANT
VS
STATE OF MAHARASHTRA AND ANR. ...RESPONDENTS

...

Adv. Divya Arvind Pawar Patil for the Applicant.
Adv. Amit A. Palkar, APP for the Respondent State.
Adv. Mahendra Agvekar for Respondent No. 2.

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CORAM : RAJESH S. PATIL, J.
DATED : APRIL 29, 2025

P.C.:

1. The learned counsel for both the parties submits that by mistake, the Cri. Writ Petition Nos.5841/2024, 4895/2024, 5840/2024, 4894/2024 & 5839/2024 have no concern with the present anticipatory bail application and the same have been attached with the present anticipatory bail application.

2. As the Cri. Writ Petition Nos.5841/2024, 4895/2024, 5840/2024, 4894/2024 & 5839/2024 have no concern with the present anticipatory bail application the same be de-tagged from the present anticipatory bail application.

3. The applicant is seeking pre-arrest bail in connection with C.R. No.I-613/2024 registered with Kasarvadavali Police Station for the

offence punishable under Section 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

4. The present applicant is the husband of the first informant. The applicant and the first informant got married on 3 June 2011. From the said marriage they were blessed with two daughters, who are aged 12 years and 6 years as of date. Both the daughters are staying with the present applicant. From 9 December 2022, the informant is staying with her parents at Thane. On 17 July 2023, the present applicant filed a petition seeking annulment of marriage before the Civil Judge Senior Division, Dhule. Subsequently, on 1 September 2023 the first informant filed a petition under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights. Two transfer proceedings are pending before this Court. Subsequent there to, the present FIR has been lodged on 2 April 2024. The parents of the present applicant have been granted pre-arrest bail by the Sessions Court. However, the application filed for pre-arrest bail by the present applicant was rejected only on the ground that he is the husband of the first informant and there is an allegation of criminal breach of trust in the context of retaining the ornaments. The present applicant has denied the said allegations that the stridhan of the first informant is lying with him.

5. Both the counsel for the parties submits that as of today, in the proceedings filed by the wife for restitution of conjugal rights, a

prayer has been made for grant of interim maintenance pending the applicant for restitution of conjugal rights.

6. The learned counsel for the applicant after taking instructions from her client submitted that the applicant is ready to pay interim maintenance of Rs.7,500/- per month, without prejudice to the rights and contentions of both parties from 5 May 2025, just to show bonafides.

7. Both the counsel agreed that in the meantime without prejudice to the rights and contentions of both the parties, the present applicant will pay interim maintenance of Rs.7,500/- per month to respondent no. 2, starting from 5 May 2025 till the interim maintenance application is decided by the jurisdictional Court. The said application will be decided on its own merits since, the amount of Rs. 7,500/- is not decided on the basis of evidence being led before me.

8. According to me, there are enough grounds to allow the present anticipatory bail application. Hence, I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R. No.I-613/2024 registered with Kasarvadavali Police Station the applicant shall be released on bail, on furnishing P.R. bond

to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend and meet the investigating officer as and when called for.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and further, the applicants shall not tamper with the evidence in any manner whatsoever.

(e) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses to the investigating officer.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application, and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. **The anticipatory bail application is disposed off.**

(RAJESH S. PATIL, J.)