

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

ANTICIPATORY BAIL APPLICATION NO. 62 OF 2025

- | | | |
|----|---|-------------|
| 1. | Mr. Vinay Sadanand Pandey | .Applicants |
| 2. | Mrs. Vandana Vinay Pandey Alias
Vandana Girijashankar Tiwari | |

vs.

The State of Maharashtra	.Respondent
--------------------------	-------------

Ms. Sufiya Ansari, Advocate, for the Applicants
Ms. Savita Yadav, APP, for the Respondent – State
Ms. Smita Anant Bhise, PSI, Parksite Police Station, Mumbai

CORAM : MILIND N. JADHAV, J.

DATE : 10.01.2025

P C.

1. Heard Ms. Ansari, learned Advocate for the Applicants and Ms. Yadav, learned APP for the Respondent – State.
2. By this Application, the Applicants apprehend arrest in connection with C. R. No. 934 of 2024 registered with the Parksite Police Station, Mumbai, for the alleged offences punishable under Sections 85, 352, 351(2), 3(5) and 115 of the Bharatiya Nyaya Sanhita, 2023.
3. Perused the record. The Applicants seek indulgence of this Court in granting Anticipatory Bail in view of the indictment in the FIR dated 10.12.2024 by the Applicant No. 1's sister-in-law. Applicant No. 2 is the

wife of Applicant No. 1. Brother of the Applicant No. 1 has expired in the year 2020. Complainant i. e. Sister-in-law of the Applicant No. 1 has one son and she is residing along with the Applicants and in-laws in the same house but the houses are partitioned, as informed by the learned Advocate for the Applicants. Learned Advocate for the Applicants would inform the Court that their dwelling house, kitchen and entry doors are different. The incidents narrated in the FIR are of 25.03.2024 and 12.10.2024 on which date Applicant No. 1 in an intoxicated state abused the Complainant and told her that she should leave the premises and go away, since her husband is no more alive. On both occasions, it is the case of the Complainant that the Applicant No. 1 has harassed her in an intoxicated state. Applicant No. 2 is the wife of the Applicant No. 1. She herself has three children, one of whom is a breast feeding baby. This is clearly a family dispute as can be seen from the facts of the FIR itself. Apprehension of the Complainant is also valid, since it is only because she was threatened that she would be harmed and thrown out of the house that she has approached the law enforcement agency. The Complainant is a person who has lost her husband and she is having only one 13 year old son. In that view of the matter, what I gather from the FIR is that she is afraid to face the Applicants, hence, she has approached the police and filed the

complaint. Custodial interrogation of the Applicants is not required in such a case. The Investigating Officer shall ensure that the Applicants are not harassed and depute an appropriate lady police officer occasionally to visit the Complainant and enquire about her well being.

4. Considering the nature of allegations, the Applicants are granted pre-arrest bail on the following terms and conditions :

O R D E R

(i) In the event of arrest of the Applicants, the Applicants be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 5,000/- each with one or two solvent sureties in the like amount;

(ii) The Applicants shall attend the concerned Police Station on the fourth Saturday of every month between 10.00 a. m. and 12.00 noon or as and when called for by the Investigating Officer. The Applicants shall not harm the Complainant and her son;

(iii) The Applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(MILIND N. JADHAV, J.)