

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

Anticipatory Bail Application No.1721 of 2025

1. Rajesh Gulcharan Rathi
Age: 50 years, Occ.: -Government
Servant.
2. Meera Rajesh Rathi
Age: 46 years, Occ.: Maid
3. Neelam Rajesh Rathi
Age: 25 years, Occ.: Job
All residing at:- Room No.101,
Pournima Apartment,
Achole Road, Ambedkar Nagar,
Near Buddha Vihar, Nalasopara (East)
Tal. Vasai Dist. Palghar - 401209

... Applicants

Versus

1. The State of Maharashtra
Through Kandivali Police Station
2. Mamta Tinu Rathi.
Age: 26 Occ.: Housewife
Residing At: 356, Chawl No.52,
Ekta Nagar, Kandivali West,
Mumbai - 400 067

... Respondents

With

Anticipatory Bail Application No.1720 of 2025

1. Tinu Rajesh Rathi
Age: 27 years, Occ.: -Unemployed
Residing at:- Room No.101,
Pournima Apartment,

Achole Road, Ambedkar Nagar,
Near Buddha Vihar, Nalasopara (East)
Tal. Vasai Dist. Palghar - 401209

... Applicants

versus

1. The State of Maharashtra
Through Kandivali Police Station

2. Mamta Tinu Rathi
Age: 26 Occ.: Housewife
Residing At: 356, Chawl No.52,
Ekta Nagar, Kandivali West,
Mumbai - 400 067

... Respondents.

Ms Anjali Patil, for the applicants in both ABAs.

Mr BB Kulkarni, APP, for respondent No.1/ State in both ABAs.

Mr Ashley Cusher, appointed for respondent No.2, through
Legal Aid, in both ABAs.

IO WPSI Pooja Naitam, Kandivali Police Station, Mumbai, is
present.

Coram: R.N. Laddha, J.
Date: 3 September 2025.

P.C.:

The learned Additional Public Prosecutor, upon instructions received from the Investigating Officer, apprises this Court that due service of notice has been effected upon respondent No.2. However, despite such service, there is no representation on behalf of respondent No.2. In these circumstances, Mr Ashley Cusher, who is present in Court, is hereby appointed as advocate to represent and safeguard the

interest of respondent No.2. The professional fees of the said advocate shall be borne by the High Court Legal Services Committee. The applicants are directed to forthwith furnish to the learned advocate so appointed, copies of the anticipatory bail applications along with all annexures, the impugned order under challenge, and any other documents necessary for an effective representation.

2. By these applications, the applicants seek pre-arrest bail in connection with CR No.310 of 2025, registered at Kandivali West Police Station, Mumbai, for offences punishable under Sections 323, 351(2), 352 and 85 of the Bharatiya Nyaya Sanhita, 2023.

3. The gravamen of the allegations against the applicants is that they subjected the informant who was lawfully married to one Tinu on 21st April 2022 to mental and physical cruelty, coupled with unlawful demands of dowry.

4. Ms. Anjali Patil, the learned Counsel appearing on behalf of the applicants, has strenuously contended that the applicants are innocent and have been falsely implicated. It is her submission that the informant has been residing separately from the matrimonial home and that due to trivial matrimonial disputes, she voluntarily left the shared household. It is further

pointed out that the applicants have duly returned the informant's streedhan, and that no recovery or discovery remains to be made from them. The learned Counsel emphasizes that the applicants have rendered full cooperation to the Investigating Agency and are willing to abide by any reasonable terms and conditions which this Court may deem fit to impose.

5. Per contra, Mr B.B. Kulkarni, learned APP representing the State/respondent No.1, and Mr Ashley Cusher, learned Counsel appointed for respondent No.2, while opposing the prayer for anticipatory bail, have jointly urged that the offences alleged are of a grave and serious character. Nonetheless, upon instructions from the Investigating Officer present before the Court, the learned APP candidly concedes that the applicants have reported before the concerned Police Station and have cooperated with the investigation. It is further submitted that the investigation has reached its culmination, that the filing of the charge-sheet is imminent within a period of two weeks, and that the prosecution does not seek the custodial interrogation of the applicants.

6. Upon careful consideration of the rival submissions and upon perusal of the record, it prima facie appears that the dispute emanates from a matrimonial discord. It is noteworthy

that the FIR discloses the alleged period of offence as spanning from 1st August 2022 to 31st January 2025, whereas the complaint came to be registered only on 3rd May 2025, thereby indicating a significant delay in lodging the report. The Investigating Agency has confirmed that the applicants have extended due cooperation, that the investigation now stands concluded, and that custodial interrogation is not warranted. In view of these circumstances, particularly the matrimonial nature of the allegations, the delay in registration of the crime, and the prosecution's express statement that the custody of the applicants is not required, this Court finds it a fit case to exercise judicial discretion in favour of granting anticipatory bail. Accordingly, the following order is passed:

ORDER

(i) In the event of the applicants' arrest in CR No.310 of 2025, registered at Kandivali West Police Station, Mumbai, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence

witnesses.

(iii) The applicants shall attend the concerned Police Station as and when required by the investigating officer until the filing of the charge sheet.

7. The applications stand disposed of accordingly.

[R.N. Laddha, J.]