

MHCC050064782022



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1939 OF 2022
(CNR NO.MHCC050064782022)

1. **Mr.Mandar Mahadeo Lingayat,**
Age: 29 years; Occ:Service,
Residing at Flat No.3, S.No. 74/6A,
Guruganeshwar Residency,
Rayakar Mala, Dhayari,
Pune-411041.

...Applicant/Accused

V/s.
State of Maharashtra
(Through the Kandivali West
police station).

...Respondent.

Ld. Advocate D. V. Tikhe for the Applicants/ Accused.
Ld.APP Smt.Purnima Chauhan for the State.

CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI N.L.KALE
(C.R.NO.14)

DATE : 27th December, 2022.

This is an application u/s.438 of the Criminal Procedure Code 1973 filed by the applicant for seeking Anticipatory Bail in C.R.No. 699/2022, registered at Kandivali police station, for the offences punishable under sections 498(A), 323, 406, 504 & 506 r/w.34 of the Indian Penal Code, 1860.

Brief facts which gives rise to file the present application are as under: -

2. That complainant Namrata Lingayat is wife of present applicant. Their marriage has been solemnized on 14/05/2021. After the marriage complainant went for the cohabitation with her husband and in-laws. They were residing at Gurugangeshwar Residency, Mahadeo Nagar, Rayakar Mala, Dhayari, Pune. It is further alleged that in her marriage complainant's father had given golden ornaments and other valuable articles to complainant and her in-laws. She alleged further that her brother-in-law namely Tushar is residing in the building near to their house itself.

3. After her marriage, the applicant and her in-laws treated the complainant nicely for few days only. Thereafter, they started ill treatment and harassment towards her. In October 2021, complainant's husband caused severe beatings to her. He always used to ill-treat and caused beating to the complainant under influence of alcohol. This applicant and other co-accused used to teased the complainant on small grounds. She alleged further that her husband used to say her that, he do not want to marry with her and he is having love affair with other girls. Her parents-in-law taken away all her ornaments from her. All the accused ill treated to her and harassed her for illegal demand.

4. Therefore, complainant started residing with her parents at Mumbai. She lodged report against the applicant and her-in-laws for above ill-treatment and harassment. On the basis of her said report

Kandivali Police registered this crime and started investigation.

5. By filing this application, the applicant who is husband of complainant is seeking pre-arrest bail to him. He alleged that they have not committed any offence as alleged by the complainant and they have been falsely implicated in this crime. He alleged further that, the complainant resided with them for a period of 9 months and from 06/02/2022 she is residing separately without any reason. The husband of complainant filed P.A.No. 930/2022 for seeking divorce and thereafter, the complainant has lodged this FIR only to harass him and his family members.

6. The applicant further alleged that, compromised has been effected in between him and the complainant in Family Court, Pune and their Divorce Petition is accordingly converted into a mutual consent divorce. In that matter, consent terms are also filed on record before Family Court Counsellor at Pune, the complainant admitted that, she do not want to proceed with her FIR. He alleged further that, during compromised the complainant collected all her belongings and she has accepted before the Family Court Counsellor, Pune. According to applicant, now his physical presence with Police is not necessary. He prays to allow the prayer.

7. Prosecution filed reply vide Exh.2 and resisted the prayer. In their reply prosecution alleged that compromised has been effected in between the parties and the complainant had received her stridhan and

other belongings from the accused and she is ready to take back the allegations made against the accused.

8. Ld. advocate appearing for the applicant, submitted that in Divorce Petition filed in Family Court, Pune compromised has been effected between the parties and before the counsellor the consent terms are executed by the complainant and her husband. He relied upon the copy of the said consent terms. He further submitted that, now nothing is to be seized or recovered from the accused/applicant.

9. Ld. APP submitted that, investigation is in progress. She further submitted that, till mutual consent divorce is not effected between the parties.

10. From the record it appears that, the parties have settled their dispute out of the court. The complainant who present in a Court admitted the contents in Consent Term as true and correct. She is not having any objection to allow the prayer. In say of I.O. it is maintained that all the belongings and valuable articles of the complainant are given to her.

11. It appears that, the offence in question is registered due to family dispute between the parties. Now, the parties have settled their dispute out of the Court and accordingly, Consent Terms have been executed before Family Court, Pune. Nothing is to be seized or recovered from the applicant. Further investigation in this crime can be carried out

without presence of the applicant in custody. Considering nature of the offences alleged, a fact of compromised effected between the parties and also considering say of I.O., I am of the view that, this is a fit case use discretion in favour of the applicant. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No.1939 of 2022 is allowed.
2. In the event of arrest of, Applicant **Mandar Mahadeo Lingayat** in Crime No.699/2022, registered at Kandivali Police Station, punishable under sections 498(A), 323, 406, 504, 506 r/w.34 of the Indian Penal Code, shall be released on bail on furnishing P.R.Bond in the sum of Rs.15,000/- (Fifteen Thousand Only) each, with one or two sureties in the like amount.
3. The Applicant is directed to co-operate with the investigation machinery.
4. Applicant shall attend the concerned police station as and when called by the I.O. for the purpose of investigation.
5. Applicant is further directed not to tamper or hamper with the prosecution evidence and witnesses in any manner.
6. Anticipatory Bail Application No.1939 of 2022 is disposed of accordingly.

(Order pronounced in open Court)

Date: 27.12.2022

(N.L.KALE)

**THE ADDL.SSESSIONS JUDGE
CITY CIVIL & SESSIONS COURT,
BORIVALI DIVISION, DINDOSHI**

Order dictated on
Order typed on
Checked, corrected & Signed on

: 27.12.2022
: 27.12.2022
: 27.12.2022

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“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE

Ms. S.S.Chudji

AND TIME : 27/12/2022 at 04.23 P.M.

NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri N. L. Kale (Court Room No.14)
Date of Pronouncement of Judgment/Order	27/12/2022
Judgment/Order signed by P.O. on	27/12/2022
Judgment/Order uploaded on	27/12/2022

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