

MHCC050064432022



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

**ANTICIPATORY BAIL APPLICATION NO.1932 OF 2022**

**IN**

**C.R.NO.1443 OF 2022**

- 1. Mayur Dilip Kaul,**  
Aged : 33 years, Occu : Service,
- 2. Dilipkumar Kaul,**  
Aged : 64 years, Occu : Retired,
- 3. Vijay Dilip Kaul,**  
Aged : 57 years, Occu : Housewife,

All are residing at : House No.34,  
Two Lane, Shintipuram Muthi,  
Jammu And Kashmir-181205.

**...Applicants/accused**

**V e r s u s**

**The State of Maharashtra**  
(Samta Nagar Police Station)

**...Respondent**

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Shri V. A. Shinde, Advocate for the Applicants/accused.  
Shri Shrinivas Kumaran, Advocate for the intervener.  
Shri Imran K. Shaikh, A.P.P for the State.

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**CORAM : A.Z.KHAN,**  
**Additional Sessions Judge,**  
**Borivali Division, Dindoshi, Mumbai.**  
**(C.R.NO.13)**

**DATE : 23<sup>rd</sup> January, 2023**

**ORDER**

1. The present application is filed by the applicants/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.6 etc. Heard the learned Advocate Shri V. A. Shinde for the applicants/accused, the learned advocate Shri Shrinivas Kumaran for intervener & the learned APP Shri Imran K. Shaikh for the State. I have gone through the record, the case diary, say of the police and the documents. It is seen that the offence came to be registered against the present applicants/accused alongwith the other accused vide crime No.1443 of 2022 at Kandivali police station u/s 498-A, 406, 323, 504 & 506 r/w 34 of the Indian Penal Code.

2. It is pertinent to note here that the report lodged by the complainant victim alongwith the statements of the witnesses and the documents filed by the parties on record etc shows that the complainant and the present applicant/accused No.1 got married on 04.03.2020 at Shintipuram Muthi, Jammu & Kashmir-181205 and the complainant went to reside with the present applicant/accused No.1 where the other accused persons were also resided. However, it is contended that the present applicants/accused used to harass mentally as well as physically by one or other pretext by which the complainant lodged the report wherein the police investigated the matter and recorded the statements of the witnesses.

3. Obviously, the offence is relating to matrimonial and there are allegations on the part of the complainant and the counter allegations on the part of the applicants/accused which requires the detail evidence on merit. The complainant has not filed any document

to show that she took the said articles to the house of the applicants/accused & they are in possession of the same but the exaggeration of serious allegation can not be ruled out. Nothing has to be seized from the applicants/accused & the applicants/accused are the permanent resident of Shintipuram Muthi, Jammu And Kashmir-181205 & the Investigating Officer can investigate the matter without the presence of the applicants/accused and no prejudice would be caused to the case of the prosecution. The applicants/accused are ready to abide all the terms & conditions imposed by the Court & thus the purpose of the Investigating Officer would be solved if some reasonable conditions are imposed.

4. In such circumstances, I am of the view that this is the fit case in which the applicants/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

### **ORDER**

The application is hereby allowed.

The applicants/accused **1. Mayur Dilip Kaul, 2. Dilipkumar Kaul & 3. Vijay Dilip Kaul** be released in the crime bearing No.1443 of 2022 u/s 498-A, 406, 323, 504 & 506 r/w 34 of the Indian Penal Code registered by Samta Nagar Police Station on furnishing P.R & S.B of Rs.15,000/- (Rupees Fifteen Thousands Only) each with one surety each in the like amount in the event of the arrest.

The applicants/accused shall not tamper with the prosecution evidence in any manner & shall present before I.O as &

when called at P.S.

**(A. Z. Khan)**  
Additional Session Judge,  
Borivali Div, Dindoshi,  
Mumbai.

**Date :23.01.2023.**

Dictated on : 23.01.2023.  
Typed on : 23.01.2023.  
Signed on : 23.01.2023.

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

**23.01.2023** at 05.40 P.M.  
 UPLOAD DATE AND TIME

(Ashok S. Sugdare)  
 NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	<b>SHRI. A. Z. KHAN (C.R. NO.13)</b>
Date of Pronouncement of JUDGMENT/ ORDER	<b>23.01.2023</b>
JUDGMENT/ORDER signed by P.O. on	<b>23.01.2023</b>
JUDGMENT/ORDER uploaded on	<b>23.01.2023</b>