

MHCC050065072022



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

ANTICIPATORY BAIL APPLICATION NO.1950 OF 2022
(CNR NO.MHCC050065072022)

1. **Trupti Mahadeo Lingayat,**
Age: 61 years; Occ: Hoyse wife,
2. **Mahadeo Lingayat,**
Age: 68 years; Occ: Retired,
3. **Tushar Mahadeo Lingayat,**
Age: 39 years; Occ: Service,

Applicant No. 1 to 3 residing at
Flat No. 3, S.No. 74/6A,
Guruganeshwar Residency,
Rayakar Mala, Dhayari,
Pune-411041.

...Applicants/Accused

V/s.

1. State of Maharashtra
(Through the Kandivali police station).

2. Namrata Mandar Lingayat
Namrata Nagesh Lingayat(Before Marriage)
Age 26: Occupation Service.
R/at C/o Nagesh Lingayat
Flat No. 607, Ganesh Krupa Society,

::2::

ABA.1950/2022

Gowardhan Nagar, Near Poysar Gymkhana,
Kandivali, Mumbai 400067.

....Respondents

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 applicants 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 Mandar Lingayat who is one of the co-accused in this crime. Their marriage has been solemnized on 14/05/2021. These applicants are in-laws of the complainant. After the marriage complainant went for the cohabitation with her husband and in-laws. She was residing at Guru Gangeshwar Residency, Mahadeo Nagar, Raikar 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 (Applicant No.3) is residing in the building near to their house itself.

3. After her marriage, the applicants and her husband 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. These applicants and her husband 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 girl. Her parents-in-law (Applicant Nos. 1 & 2) 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 applicants and and her husband 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 applicants who are in-laws of complainant are seeking pre-arrest bail to them. They alleged that they have not committed any offence as alleged by the complainant and they have been falsely implicated in this crime. They 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 them and her husband.

6. The applicants further alleged that, compromised has been

effected in between the husband of complainant 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. They alleged further that, during compromise the complainant collected all her belongings and she has accepted before the Family Court Counsellor, Pune. According to applicants, now their physical presence with Police is not necessary. They 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 applicants, submitted that in Divorce Petition filed in Family Court, Pune compromise 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/applicants.

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 mentioned 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 applicants. Further investigation in this crime can be carried out without presence of the applicants 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 applicants. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No.1950 of 2022 is allowed.
2. In the event of arrest of, **Applicants No.1 Trupti Mahadeo Lingayat, Applicant No.2- Mahadeo Lingayat & Applicant No.3 Tushar 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 Applicants are directed to co-operate with the investigation machinery.

::6::

ABA.1950/2022

4. Applicants shall attend the concerned police station as and when called by the I.O. for the purpose of investigation.
5. Applicants are further directed not to tamper or hamper with the prosecution evidence and witnesses in any manner.
6. Anticipatory Bail Application No.1950 of 2022 is disposed of accordingly.

(Order pronounced in open Court)

Date: 27.12.2022

**(N.L.KALE)
THE ADDL.SESIONS JUDGE
CITY CIVIL & SESSIONS COURT,
BORIVALI DIVISION, DINDOSHI**

Order dictated on : 27.12.2022
Order typed on : 27.12.2022
Checked, corrected & Signed on : 27.12.2022

::7::

ABA.1950/2022

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

UPLOAD DATE

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

Ms. S.S.Chudji

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

::8::

ABA.1950/2022