



IN THE COURT OF SESSIONS AT GREATER BOMBAY

**ANTICIPATORY BAIL APPLICATION NO. 2771 OF 2022
(CNR NO. MHCC02-016961-2022)**

1. Mr. Namdev Sakharam Jadhav)
2. Mrs. Sushila Sakharam Jadhav)
3. Mrs. Ratna Hemant Sakpal)
4. Mrs. Samidha @ Kanchan Sandeep Kadam)
5. Ranvindra Mahadev Chikane)
6. Parvati Mahadev Chikane) ... Applicants

Versus

- The State of Maharashtra**)
(Through Kherwadi, Bandra Police Station) ... Respondent

Ld. Adv. Sanket Borhade for the Applicants.
Ld. APP. Kshirsagar for State / Respondent.

**CORAM : HER HONOUR THE ADDITIONAL SESSIONS
JUDGE SMT. A. B. SHARMA (C.R. NO. 39)**

DATED : 31.01.2023.

ORDER

The Applicants have moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 1003 of 2022 for the offences punishable under Sections 498-A, 323, 504, 406 r/w Section 34 of the Indian Penal Code, registered at Kherwadi Police Station, Mumbai.

2. Read application and Say (Exh. 02) of investigating officer

filed through learned Additional Public Prosecutor. Perused the Case diary and documents annexed with the application.

3. Heard Learned Advocate for the applicants, learned Additional Public Prosecutor and the informant.

4. The applicant No. 1, is husband, the applicant No. 2 is mother-in-law, the applicant Nos. 3 and 4 are sisters-in-law, and the applicant No. 5 is brother-in-law of the informant and the applicant No. 6 is maternal aunt of the applicant No. 1. After marriage, the informant came to the house of the applicants for cohabitation. It is alleged that after six months from the marriage till 28.04.2022, the applicant Nos. 1 to 4 used to abuse and beat her on the count of domestic issues. It is also alleged that the applicant Nos. 5 and 6 also abused her. It is further alleged that the applicant No. 1 is falsely informed that he is owner of the room, situated at Mumbai and thereafter, it was transferred in the name of his brother Rupesh and thereby cheated the informant. It is also alleged that the informant has kept all her gold and silver ornaments, other medical treatment papers of her son, her Marriage Certificate in the house of the applicants. But, they did not hand over it to the informant. Therefore, she lodged report against the applicants.

5. It appears that the present offence is arising out of the matrimonial dispute. The documents annexed with the application indicate that the applicant No. 2 has lodged NC against the informant on 17.05.2022. It is further seen that, due to the dispute between the informant and applicant No. 1, she was residing at the house of her daughter. It is further seen that the material investigation in respect of

the applicants is almost completed. They have already joined the investigation after grant of ad-interim protection. The offence is non-bailable and the applicants have reasonable apprehension of their arrest at the hands of police. So far as the recovery of Streedhan is concerned, the informant is having remedy to recover it by filing separate proceedings. It is well settled that, only for the purpose of recovery of Streedhan, the application for pre-arrest bail cannot be rejected. Considering the nature of offence, I am of the view that the applicants have made out their case for grant of pre-arrest bail. Hence, I proceed to pass the following order:-

OPERATIVE ORDER

1. The Anticipatory Bail Application No. 2771 of 2022 is hereby allowed.
2. The ad-interim protection already granted to the applicants on 19.12.2022 is hereby made absolute on the following modified conditions :-
 - a. The applicants shall not leave India without prior permission of the Court.
 - b. The applicants shall submit the proof of their residential address, phone number, Aadhar Card and Election Card, if any.
 - c. The applicants are directed to co-operate during course of investigation within 3 days from the date of this order and also to attend the police station as and when called by the Investigating officer.

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: 4 :

d. The applicants are further directed not to tamper with the prosecution witnesses in any manner.

3. The Anticipatory Bail Application stands disposed off.

(A. B. SHARMA)
Additional Sessions Judge
City Civil & Sessions Court
Greater Bombay.

Date :- 31.01.2023.

Dictation Typed on : 31.01.2023.

Checked & Signed on : 18.02.2023.

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

18.02.2023 at 5.50 pm

UPLOAD DATE AND TIME

(Y.M. SAKHARKAR)

NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)

SMT. A. B. SHARMA
(C.R. NO. 39)

Date of Pronouncement of JUDGMENT/ ORDER

31.01.2023

JUDGMENT/ORDER signed by P.O. on

18.02.2023

JUDGMENT/ORDER uploaded on

18.02.2023