



IN THE COURT OF SESSION AT GREATER BOMBAY

**ANTICIPATORY BAIL APPLICATION NO. 2807 OF 2022
(CNR NO. MHCC02-017178-2022)**

1. Mr. Rahul Balkrishna More)
2. Mr. Bakrishna Jayaram More)
3. Sheetal Balkrishna More)
4. Akshay Balkrishna More) ... Applicants

Versus

- The State of Maharashtra**)
(Through Bhandup Police Station)) ... Respondent

Ld. Adv. Fazlurrahman Shaikh for the Applicants.

Ld. APP. Geeta Sharma for State / Respondent.

**CORAM : HER HONOUR THE ADDITIONAL SESSIONS
JUDGE SMT. A. B. SHARMA (C.R. NO. 39)
DATED : 07.01.2023.**

ORDER

The Applicants have moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 658 of 2022 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code registered at Bhandup Police Station, Mumbai.

2. Read application and Say (Exh. 04) of investigating officer filed through learned Additional Public Prosecutor. Perused 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 father-in-law, the applicant No. 3 is mother-in-law and the applicant No. 4 is brother-in-law of the informant. After marriage, the informant came to her matrimonial home for cohabitation. It is alleged that the applicants started harassing and teasing the informant on the count of not giving gold ornaments in more quantity in her marriage. It is further alleged that they compelled the informant to give her salary to them. It is further alleged that the applicant No. 3 for not consummating the marriage between the informant and the applicant No. 1 used to instigate the applicant No. 1 and due to which, the marriage was not consummated between the applicant No. 1 and the informant. It is further alleged that the applicants have mentally and physically harassed the informant and drove her out of the house. Therefore, by going to the police station, the informant lodged report against the applicants.

5. It is seen that the offence is arising out of matrimonial dispute. It is further seen that the material investigation in respect of the applicants is almost completed. The offence is not punishable with death or imprisonment for life. The police have issued Notice under Section 41-A of the Code of Criminal Procedure to the applicants. Therefore, they have reasonable apprehension of their arrest at the hands of police. The offence is non bailable. Considering the facts and circumstances of the case, I do not find that the custodial interrogation of the applicants is required. It is further seen that after granting the ad-interim protection, the applicants have joined the investigation and

also co-operated the investigating agency. Considering the facts and circumstances of the case, I am of view that the applicants have made out their case for grant of pre-arrest bail. Hence, I proceed to pass following order :-

OPERATIVE ORDER

1. The Anticipatory Bail Application No. 2807 of 2022 is hereby allowed.

2. The ad-interim protection already granted to the applicants on 23/12/2022 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.

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

3. The Anticipatory Bail Application stands disposed off. Authenticated copy be provided.



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

Date :- 07.01.2023.

Dictation Typed on : 07.01.2023.

Checked & Signed on : 10.02.2023.

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

10.02.2023 at 6.10 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

07.01.2023

JUDGMENT/ORDER signed by P.O. on

10.02.2023

JUDGMENT/ORDER uploaded on

10.02.2023