



**IN THE COURT OF SESSIONS AT GREATER BOMBAY**

**ANTICIPATORY BAIL APPLICATION NO. 2820 OF 2022  
(CNR NO. MHCC02-017226-2022)**

**Shri Satej Daniel Magar** ) ... Applicant

**Versus**

**The State of Maharashtra** )  
(Through Pant Nagar Police Station) ) ... Respondent

Ld. Adv. Chetan Muley for the Applicant.

Ld. APP. Geeta Sharma for State / Respondent.

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

**DATED : 24.02.2023.**

**ORDER**

The Applicant has moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 204 of 2022 for the offences punishable under Sections 498(A), 377, 354, 323, 406, 504, 506 read with Section 34 of the Indian Penal Code registered at Pant Nagar Police Station, Mumbai.

2. Read application and Say (Exh. 2) 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 applicant and the Learned

Additional Public Prosecutor.

4. The applicant is husband of the informant. After marriage, she came to her matrimonial home for cohabitation. In January-2018 the applicant went to Dubai for work. During that period she stayed at her matrimonial home in India. After One and half month of marriage, the informant went to her parental home and when she returned to her matrimonial house, her mother-in-law asked her why her parents did not give her gold bangles. On this count, she picked up quarrel with the informant and took out her mobile phone. She abused her parents. It is further alleged that her mother-in-law asked her not to keep any relation with her parents. The informant used to talk on mobile phone with applicant and insist him to return India. In the month of March, the applicant returned to India and thereafter the informant went to Dubai alongwith the applicant. In the year 2019, the informant was pregnant and in December-2019 she went to her parental house for her delivery. At that time, the mother-in-law of the informant threatened her that they want only boy. If she will give birth to a girl, they will not allow her to cohabit at matrimonial home. On 10.02.2020, the informant begotten a girl child and therefore her in-laws did not come to see her and her child. On 31.12.2020, she went to Dubai with applicant and her child. She stayed for a year there. In December-2021, they returned to India. The mother-in-law of the informant insisted for a boy. It is alleged that the applicant has forcibly committed carnal intercourse with the informant. Due to which, dispute arose between them.

5. On 04.01.2022, the informant went to Dubai with the

applicant. It is alleged that the applicant used to commit carnal intercourse with the informant and the dispute arose between them. After returning to India the informant tried to disclose about the behaviour of applicant to her in-laws, but they abused her. On 23.03.2022, the father-in-law of the informant came in her bedroom and by touching her body outraged her modesty. It is further alleged that her in-laws and applicant harassed her mentally and physically. They drove her out of the matrimonial home by snatching gold ornaments. Therefore, she lodged report against the applicant and others.

6. It is seen that the offence is arising out of matrimonial dispute. The Say filed by the prosecution indicates that the custodial interrogation of the applicant is required for the purpose of medical examination. It is also submitted that for the recovery of Streedhan, the custody of applicant is necessary. So far as the recovery of Streedhan is concerned, it is well settled that only for the purpose of recovery of the Streedhan, the application for pre-arrest bail cannot be rejected. The informant can recover it by filing separate proceedings. The material investigation in respect of the applicant seems to be almost completed. Considering the matrimonial dispute between both the parties, I do not find that the custodial interrogation of the applicant is required. Considering the facts and circumstances of the case, I am of the view that the applicant has made out his case for grant of pre-arrest bail. Hence, I proceed to pass following order :-

**ORDER**

1. The Anticipatory Bail Application No. 2820 of 2022 is hereby allowed.

2. The ad-interim protection already granted to the applicant on 23/12/2022 is hereby made absolute on the following modified conditions :-

a. The applicant shall not leave India without prior permission of the Court.

b. The applicant shall submit the proof of his residential address, phone number, Aadhar Card and Election Card, if any.

c. The applicant is 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 applicant is 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 :- 24.02.2023.

Dictation Typed on : 24.02.2023.

Checked & Signed on : 04.03.2023.

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

06.03.2023 at 3.40 pm  
UPLOAD DATE AND TIME

(Y.M. SAKHARKAR)  
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	<b>SMT. A. B. SHARMA</b> (C.R. NO. 39)
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Date of Pronouncement of JUDGMENT/ ORDER	24.02.2023
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JUDGMENT/ORDER signed by P.O. on	04.03.2023
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JUDGMENT/ORDER uploaded on	06.03.2023
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