

IN THE COURT OF SESSION AT GREATER BOMBAY**ANTICIPATORY BAIL APPLICATION NO. 1075 OF 2021
(CNR No. MHCC02-006686-2021)**

1. Sushant Jyotivardhan Jadhav)
2. Suraj Jyotivardhan Jadhav)
3. Savita Suraj Jadhav)
4. Madhuri Gautam Mohite)
5. Gautam Gangaram Mohite) ... Applicants / Accused

Versus

The State of Maharashtra)
(Through Wadala T.T. Police Station)) ... Respondent

Ld. Adv. S.K. Zende for Applicant /Accused.

Ld. APP Kalpana Hire for State / Respondent.

**CORAM : HER HONOUR THE ADDITIONAL SESSIONS
JUDGE SMT. SANJASHREE J. GHARAT
(C.R. NO. 39)**

DATED : 10.08.2021.

ORDER

This is an application for Anticipatory bail u/s. 438 of Cr.P.C. in C.R. No. 82 of 2021 registered with Wadala T.T. Police Station for the offences punishable under Sections 498-A, 323, 504, 506(II) r/w 34 of I.P.C.

2. As per prosecution story the Complainant got married with Applicant No. 1 on 22.11.2020. It is the grievance of the Complainant that after marriage the Applicants started putting restrictions on the Complainant. They started passing taunts, abused her and started making demand of money. It is alleged by the Complainant that after

one month of marriage, the Applicant No. 1 committed sexual intercourse with her against her wish. Thereafter, on 02.01.2021 when they went to Mahabaleshwar, the Applicant No. 1 committed sexual intercourse. Due to which she was not feeling well. Therefore, she went to the Doctor and at that time the Doctor informed that the Complainant is having Paralysis for the portion below her waist. Therefore, the present Complaint is filed.

3. The Applicants / Accused claim Anticipatory bail on the ground that they are falsely implicated in the present offence. It is submitted on behalf of the Applicants that there is no demand of dowry. Moreover, it is the Applicant No. 1 who filed the Complaint against the Complainant. At the same time the Applicant Nos. 4 and 5 are residing at Ratnagiri and stayed with the couple for two days only. Moreover, the Applicant No. 3 is the pregnant lady. The Applicants claim that they are ready to co-operate during investigation. Therefore, Applicants prayed for Anticipatory bail.

4. The Prosecution has raised objection to grant Anticipatory bail by filing Say. It is submitted on behalf of the prosecution that if the protection is granted, then there is every possibility that Applicants will destroy the evidence. Moreover, they will not co-operate during investigation.

5. After going through the Prosecution case and argument advanced it appears that it is the grievance of the Complainant that she was ill-treated at the hands of Applicants for non payment of money. However, there was no averment what was the demand made by the

Accused. It is further grievance of the Complainant that Applicant No. 1 committed sexual intercourse with her against her wish. However, the Applicant No. 1 being husband can not be said that he committed any illegal thing. It is very unfortunate that the young girl suffered from Paralysis. However, the Applicants can not be held responsible for the same. Looking into the nature of allegations made against the Applicants, the custodial interrogation is not required. The Applicants are ready to co-operate during course of investigation. Therefore, I hereby proceed to pass following Order :-

ORDER

1. The Anticipatory Bail Application No. 1075 of 2021 is hereby allowed.
2. In the event of arrest the Applicants be released on executing P.R. of Rs. 15,000/- each with one or more sureties of like amount.
3. The Applicants shall not leave Maharashtra State without prior permission of the Court.
4. The Applicants shall submit the proof of their residential address, phone number, Aadhar Card and Election Card, if any.
5. The Applicants are directed to co-operate during course of investigation and to attend the police station as and when called by the Investigating officer.

ABA 1075-2021

: 4 :

Dt. 10.08.2021

6. The Anticipatory Bail Application stands disposed off.

(SANJASHREE J. GHARAT)
Additional Sessions Judge
City Civil & Sessions Court,
Greater Bombay.

Date :- 10.08.2021.

Dictation Typed on : 10.08.2021.

Checked & Signed on : 11.08.2021.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
11.08.2021 at 2.10 pm UPLOAD DATE AND TIME	(Y.M. SAKHARKAR) NAME OF STENOGRAPHER
Name of the Judge (With Court room no.)	SMT. SANJASHREE J. GHARAT (C.R. NO. 39)
Date of Pronouncement of JUDGMENT/ ORDER	10.08.2021
JUDGMENT/ORDER signed by P.O. on	11.08.2021
JUDGMENT/ORDER uploaded on	11.08.2021