

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 49/2020

Vijay Naranji Thakkar ... Applicant
Vs
The State of Maharashtra ... Respondent

Mr. Kushal Mor a/w Amit Karkhanis a/w Aniket Mokashi
i/by Kay Legal & Associates, Advocate for the Applicant.
Ms. P.P. Shinde, APP for the State.

CORAM : SANDEEP K SHINDE J.

DATE : 30TH SEPTEMBER, 2020.
(Through Video Conference)

P.C. :

Heard.

1. *None appears for the complainant (wife).*
2. *On 13th January, 2020, applicant was granted ad-interim pre-arrest protection on certain terms and since then, he had reported to the Investigating Officer as directed.*

3. Complainant married to the applicant on 30.03.2019 through Matrimony Portal Shadi.com. Applicant is U.S.A. national. Soon after the marriage, on 16.04.2019, applicant left to U.S.A. and applied for the U.S. citizenship of his wife. For a brief period, he returned to India and when he was about to leave back to the U.S.A. on 8th October, 2019, it is alleged wife did not permit him to go back to U.S.A. She locked herself in the washroom which was forced open. Applicant therefore, cancelled flight tickets and stayed back in India. Soon, thereafter, i.e. on 13th October, 2019, wife lodged a complaint against the applicant and his relatives for the offences punishable under Sections 498-A, 406 of I.P.C.

4. Apprehending the arrest applicant had applied for the pre-arrest bail. Learned Sessions Judge granted pre-arrest bail to applicants' sister and others, but declined pre-arrest protection to the applicant.

5. This Court after hearing the applicant on 13.01.2020 granted the interim protection to the applicant. Thereafter,

applicant and wife were heard at least twice and were suggested to resolve the dispute and differences amicably through mediation. Finally, disputes could not be resolved and mediation failed. Be that as it may today application is taken up for hearing on merits. I have perused the F.I.R. Prima facie, it appears, after the marriage temperament and couple seldom matched. Even otherwise, applicant had reported to Investigating Officer, as directed and cooperated in investigation. Additionally, to investigate the allegations applicants custodial interrogation is not necessary. State fairly conceded that custodial investigation of the applicant is not required. In view of this fact, application is granted.

6. Learned Counsel for the applicant would urge that applicant being U.S.A. national, he may be permitted to travel back to U.S.A. So far as this prayer is concerned applicant is granted liberty to make a separate application and seek appropriate relief. Application is allowed and hence the following order.

ORDER

(i) *In the event of arrest of the applicant in Crime No. 244 / 2019 registered with Meera Road Police Station, he shall be released on bail on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.*

(ii) *In view of outbreak of Covid - 19 pandemic, applicant is permitted to furnish the cash bail in the event of his arrest.*

(iii) *The applicant shall report to the Investigating Officer as and when called.*

(iv) *The applicant shall furnish particulars of his permanent residential address and contact details to the Investigating Officer forthwith.*

(v) *The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.*

7. *Application is allowed and disposed of accordingly.*

8. *It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.*

(SANDEEP K. SHINDE, J.)