

Yatin Ajitkumar Malhotra vs The State Of Maharashtra on 3 February, 2020

Author: Prakash D. Naik

Bench: Prakash D. Naik

rpa

1/4

4-aba-275-2020.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.275 OF 2020

Yatin Ajitkumar Malhotra

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Irshad M. Malik, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent - State.

Mr.Ajinkya Udane, Advocate for Original Complainant.

H.R. Joshi, PSI, Hadapsar Police Station, Pune City, present.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 03, 2020.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.33 of 2020, registered with Hadapsar Police Station, Pune City, for the offences punishable under Sections 498-A, 326, 323, 504 and 506 read with 34 of Indian Penal Code ("IPC", for short).

2 First Information Report ("FIR", for short) was lodged on 5th January, 2020 by the wife of the applicant. It is alleged that rpa 2/4 4-aba-275-2020.doc the marriage between the applicant and complainant was performed on 12th October, 2018. The complainant was harassed by the accused. On 31st December, 2019, at about 8:30 p.m., the complainant returned home. Applicant (husband) came at around 11:45 p.m. Complainant was assaulted. Her head was banged on the wall. She was

also sustained injuries to her leg. She was admitted in hospital. FIR was lodged. Investigation proceeded. Statements of witnesses were recorded.

3 Applicant had preferred an application for anticipatory bail before the Sessions Court. The co-accused were granted relief vide order dated 14th January, 2020. However, the application qua the applicant was rejected.

4 Learned counsel for the applicant submits that there is delay in lodging the FIR. Applicant hail from a respectable family. He do not have any criminal antecedents. The complainant had initiated proceedings under the Domestic Violence Act in which pursis were fled and the matter was closed. FIR is false. It is alleged by the complainant that her head was banged on the wall. It is not clear as to how she sustained injuries on her leg. Complainant has deliberately suppressed the fact that they had rpa 3/4 4-aba-275-2020.doc gone to Shrinagar. The reason for suppression is that she has sustained injuries to her leg while they were at Shrinagar. It is submitted that custodial interrogation of the applicant is not necessary. He is willing to abide by any terms and conditions. 5 Learned APP submitted that the applicant has been attributed to overtact. Applicant had assaulted the complainant. Statements of witnesses recorded during investigation show the involvement of the applicant in the crime. Statements of the lady who was deputed as security guard was recorded, which supports the prosecution case. Complainant had sustained fracture to her leg and multiple abrasions over the right eyebrow and wrists. Learned counsel for the intervener also submitted that in the supplementary statement, the complainant has stated that she had gone to Shrinagar, there is no suppression of any fact. The evidence clearly shows that on 31st December, 2019, the complainant was in her office and she returned home in evening. The incident had occurred on the same day. Injury certificate shows grievous injury sustained by the complainant. 6 I have perused the FIR and the investigation papers. On going through the documents on record, it is clear that rpa 4/4 4-aba-275-2020.doc specific role has been attributed to the applicant. It is alleged that complainant was subjected to cruelty by accused. It is the case of the prosecution that the applicant had assaulted the complainant. Statement of witnesses support the version of the complainant. The medical certificate relied upon by the prosecution refers to fracture, which is in the nature of grievous injury and the other injuries in the nature of multiple abrasions over the right eyebrow, right wrist, left hand and wrist and upper lip. There were also multiple contusions over right hip and right thigh. Considering the material collected, during the investigation, no case for anticipatory bail is made out. Hence, Anticipatory Bail Application No.275 of 2020, is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)