

ITEM NO.20

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 2371/2022

(Arising out of impugned final judgment and order dated 18-02-2022 in CRLA(ABA) No. 54/2022 passed by the High Court of Judicature at Bombay at Nagpur)

SHAILESH NATTHURAMJI TRIVEDI

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No. 36656/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 36657/2022 - EXEMPTION FROM FILING O.T.)

Date : 20-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Hrishikesh Chitale, Adv.  
Mr. Vijay Kari Singh, Adv.  
Mr. Rajat Joseph, AOR

For Respondent(s)

Ms. Rukhmini Bobde, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR  
Mr. Bharat Bagla, Adv.  
Mr. Sourav Singh, Adv.

Mr. Pratik R. Bombarde, AOR  
Mr. Abhishek Kumar, Adv.  
Mr. Dharam Datta Verma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

This petition has been filed seeking anticipatory bail in connection of Crime No. 1268/2021 registered on 16.12.2021 with the Police Station, Ramnagar, Chandrapur, for an offence punishable under Sections 377, 498-A and 34

of the Indian Penal Code, 1860.

This Court vide order dated 25.03.2022 granted interim protection. The said order is reproduced as thus:

"Issue notice, returnable in six weeks.

In the meantime, no coercive action shall be taken against the petitioner in connection with Crime No. 1268 of 2021 registered at Police Station Ramnagar, Chandrapur, Maharashtra."

Thereafter, parties were directed to undergo mediation but mediation remained unsuccessful. Therefore, on 01.03.2023, this Court has passed the order which is reproduced as thus:

"1. During the course of hearing, we have been informed that the mediation is failed.

2. In such circumstances, the petitioner - husband is directed to appear before the Investigating Officer on 06.03.2023 at 10.00 A.M. He is also directed to hand over the mobile phone, as required by the Investigating Agency. The petitioner shall fully cooperate with the Investigating Officer and shall continue to appear before him as and when required.

3. The petitioner - husband is further directed to pay an interim maintenance of Rs.25,000/- (Rupees twenty five thousand) to respondent No.2 - wife with effect from 01.01.2023. The arrears of maintenance shall be paid within one week.

4. In the event of any non-cooperation, it will be inferred that the petitioner is misusing the concession of interim protection granted to him vide order dated 25.03.2022.

5. List the matter on 26.04.2023.

6. Meanwhile, interim order dated 25.03.2022 to continue."

By filing affidavit, the petitioner contends that the said order has been complied with.

On being asked by the Court, learned counsel representing the State submits that after completion of investigation, chargesheet has already been filed before the competent Court.

Considering the aforesaid, as the investigation is already complete, however, subject to the condition of deposit of interim maintenance of Rs.25,000/- per month as directed on 01.03.2023, the interim order passed on 25.03.2022 is hereby confirmed.

The petitioner shall regularly appear before the trial Court until exempted by order by the trial Court.

It is made clear here that the direction of interim maintenance issued by this Court would not debar the complainant-respondent to ask for enhancement of maintenance in due course of law by moving appropriate application in competent Court.

In view of the above, the special leave petition is disposed of.

Pending applications stand disposed of.

(NIDHI AHUJA)  
AR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER