

Sequeira

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.561 OF 2015

Amit Suresh Jadhav

...Applicant

Versus

The State of Maharashtra & anr.

...Respondents

.....

Mr.Ganesh K.Gole, for the Applicant.

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

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 19th NOVEMBER, 2015.**

P. C. :

This is an Application for Anticipatory Bail filed by the aforesaid Applicant apprehending his arrest in C.R. No.18 of 2015 under section 498-A, 406, 315, 323, 504 and 506 r.w. Section 34 of the Indian Penal Code.

2. The learned counsel for the Applicant has submitted that the matter is likely to be settled and that mediation is in process. He has submitted that the allegations levelled do not prima facie constitute offence under section 498-A and 315 of IPC. It is further

submitted that the offence under section 315 of IPC as alleged has taken place on 27th June 2014 whereas, the complaint in that regard was filed on 15th January 2015. There is considerable delay in filing the Complaint regarding the said incident. He has further submitted that considering all the above facts the allegations levelled against the Applicant do not prima facie constitute offence under section 498-A and 315 of IPC.

3. Heard learned APP. It is submitted that FIR prima facie discloses punishable offences which are of serious nature and hence bail be rejected.

4. I have perused the records and considered the submissions advanced by the respective learned counsel for the parties. The record prima facie reveals that the Applicant and the Complainant were married on 5th January 2014. There was marital discord between the parties which led to the filing of FIR dated 15th January 2015. The Complainant- wife has alleged that the Applicant has been subjecting her to cruelty. She has stated that Applicant and his family members used to abuse her and subject

her to cruelty. She has further stated that on 27th June 2014 when she was one and a half month pregnant, the Applicant had kicked her on the stomach and that subsequently, the foetus had to be operated. As rightly submitted by the learned counsel for the Applicant the alleged incident in respect of an offence under section 315 of the IPC had taken place on 27th June 2014, whereas the complaint to that effect has been lodged about six months after the incident. Considering the aforesaid facts and also considering the nature of the allegations levelled against the Applicant, in my considered view this is not a case which would warrant custodial interrogation. The Applicant is a resident of the State and there are no chances of the Applicant absconding or thwarting the course of justice and / or tampering the evidence.

5. Considering all the above facts, the application is granted on the following terms -

i) In the event of arrest in Crime No.I-18 of 2015 under sections 498-A, 406, 315, 323, 504 and 506 r.w. section 34 of the IPC., the Applicant shall be released on bail on furnishing bail bond of ₹20,000/- (Rupees Twenty Thousand only) with one solvent surety

of the like amount to the satisfaction of the learned Judicial Magistrate F.C. Nashik.

ii) The Applicant shall report to the Investigating Officer for seven day from 10.00 a.m to 1.00 a.m or as and when required by the Investigating Officer for the purpose of interrogation / investigation.

iii) The Applicant shall not tamper or interfere with the evidence in any manner.

iv) The Applicant shall not leave Nashik District till filing of the charge-sheet without prior permission of the learned Judicial Magistrate F.C. Nashik.

(ANUJA PRABHUDESSAI, J.)