

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 781 OF 2015

Sandeep Vishnu Bade ... Applicant
Vs.
The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 793 OF 2015

Ms. Sneha Gautam Waghchaure ... Applicant
Vs.
The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 814 OF 2015

Vishnu Kundalik Bade & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 815 OF 2015

Vivekanand Vishnu Bade ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Vishwajeet Sawant a/w. Mr. Subhash Jadhav, Ms. Neha Prasad and
Mr. Chandansingh Shekhawat i/b. ACMT Legal, Advocate for the
applicants in all the matters.

Mr. D.P. Adsule, APP for the State in ABA/781/2015, ABA/814/2015 and
ABA/815/2015.

Mrs. R.V. Newton, APP for the State in ABA/793/2015.

Mr. D.K. Dagad Khair and Mr. P.K. Palve for the original complainant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 15, 2015**

P.C.:

All these Applications for Anticipatory Bail are taken together and

decided by one common order. The applicants/accused are from one family except applicant/accused no. 5. The husband, mother-in-law, father-in-law and brother-in-law are facing charges under sections 498A, 406, 307, 325, 328, 323, 504, 506 r/w. 34 of the Indian Penal Code in C.R. No. 116 of 2015 registered with Sangvi Police Station, Pune on 14th April, 2015 at the instance of Ms. Ashwini Vivekanand Bade.

2. The complainant got married to the applicant-Vivekanand Bade on 27th November, 2006. Out of the said wedlock, a daughter was born on 11th April, 2008. As on today, the daughter is 6 years old. It is the case of the prosecutrix that applicant/accused no. 1 and his family members did not like the girl child. They ill-treated the complainant on this ground. They harassed her for dowry and demanded money. It is the case of the prosecution that the complainant was abused and beaten up by her husband and in-laws. It is alleged that the husband is working in the Corporation and having illicit relationship with applicant/accused no. 5, who is also working as a Engineer in Pune Corporation. It is the case of the prosecution that on 28th December, 2013, the complainant's husband assaulted her with iron rod because of which her left hand finger was fractured. Similarly, on 22nd October, 2014 her husband administered poison on her and her daughter and tried to kill them. It is her case that husband and father-in-law have taken all her ornaments weighing 350

gms. and sold it. Thus, she gave complaint.

3. The learned counsel for the applicants/accused has submitted that the applicant/accused nos. 1 to 4 have not committed any offence. He further submitted that the husband is not having any illicit relationship with applicant/accused no. 5, who is his colleague and working in the same office. He relied on the letter sent by the husband to the Commissioner of Police, Pune about the behaviour and false allegations, threats given by the complainant. He also relied on the letter given by the applicant/accused no. 5 to the Commissioner of Police refuting all the charges and informing that she would be initiating proceedings for defamation against the complainant.

4. Learned APP while opposing these Applications relied on the complaints given by the complainant, her father and brother to the police station informing that she was harassed in various ways at the hands of the husband and in-laws. He relied on two photographs, which were supplied by the complainant showing that applicant/accused no. 5 and accused no. 1/husband walking together and submitted that there is illicit relationship between them and that is the main cause of harassment.

5. Perused the FIR and all the correspondence of both the parties to

the police. I have also seen the statement of Dr. Mrs. Yadav, who has treated the complainant at Pune for the complaint of vomiting. However, in the said certificate and also in the statement, it is mentioned that though in October, 2014 she had visited the doctor with complaint of uneasiness and vomiting, it was informed that it was due to acidity and for acidity she was treated. It was specifically mentioned that she was not treated for poisoning. It appears that it is the case of word against word. It is out of matrimonial relations. The husband has filed the divorce petition on 11th February, 2015, i.e., prior to the complaint lodged on 14th April, 2015. Under such circumstances, I am inclined to grant pre-arrest bail to the applicants/accused on the following terms and conditions:

ORDER

- (i) Applications are allowed.
- (ii) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs. 25,000/- each, with one surety in the like amount;
- (iii) The applicants shall not tamper with the evidence.
- (iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on four Saturdays from 20th June, 2015 between 4 p.m. to 5 p.m.

(MRS.MRIDULA BHATKAR, J.)