

3. I have perused the FIR and considered the submissions advanced by the learned counsel for the respective parties. The Applicant No.1 herein is the husband of the Respondent No.2-complainant and the Applicant No.2 is the brother and brother-in-law of the Applicant No.1 and the Respondent No.2 respectively. Matrimonial dispute between the Respondent No.2 and the Applicant No.1 had led to file the FIR dated 13th July, 2015. Perusal of the said FIR reveals that the Applicant No.1 and the Respondent No.2 were married in the year 2008 and have a daughter from the said marriage. The Respondent No.2 has alleged that since the year 2009 the Applicant No.1 and his family members have been demanding dowry and subjecting her to cruelty. She had alleged that in the month of October, 2012, when she was pregnant, the Applicant No.1 had kicked her on her stomach which resulted in miscarriage. She had further stated that in the year December, 2014 when she was once again pregnant, the Applicant No.1 had abused and assaulted her and had forced her to consume some medication and thereby caused her miscarry the fetus of child. Based on the said complaint aforesaid crime came to be registered.

4. A perusal of the FIR reveals that there are allegations of ill-treatment since the year 2009. Present complaint has been lodged in the month of July 2015. There is no prima facie material to show that the Respondent No.2 had at any time prior to this, lodged complaint before the police in respect of incidents of assault or particularly in respect of the incident dated 2012 which had led to miscarriage. Similarly, the Respondent No.2 has stated that the Applicant had caused her to miscarry the child in the month of July, 2013. There is prima facie no medical record to substantiate the said contention. Considering the above facts, so also considering the delay in lodging the complaint prima facie, in my opinion this is not a case which would warrant custodial interrogation.

5. The learned counsel for the Respondent No.2 has submitted that the Applicant No.1 has been making threatening phone calls to the Respondent No.2 and on this ground he is not entitled for bail.

6. It is not in dispute that the Applicant No.1 and the Respondent No.2 are residing separately. The anticipatory bail application cannot be rejected on such a vague ground. Furthermore the grievance of the Respondent No.2 can be alienated by putting the Applicants to certain terms and conditions. The Applicants are the

natives of the State and there is no possibility of the Applicants absconding or fleeing from the course of justice. Under the circumstances, the application is allowed on the following terms:

- (i) In the event of arrest of the Applicants in C.R. No.208 of 2015 registered at Sangvi Police Station, Dist. Pune, the Applicants be released on bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one or two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Pune.
- (ii) The Applicants shall report to the Investigating Officer from 10. a.m. to 1 p.m. for seven days and further as and when required by the Investigating Officer for the purpose of the interrogation.
- (iii) The Applicants shall not in any manner interfere with the Respondent No.2.

(ANUJA PRABHUDESSAI, J.)