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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.464 OF 2016

Pratim Pradeep Gujar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

WITH
CRIMINAL APPLICATION NO.238 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.464 OF 2016

Anagha Pratim Gujar	.. Intervener.
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In the matter of

Pratim Pradeep Gujar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Marazban K. Irani, I/by Anish A. Desai, for the Applicant.
Mr. Anurag Jain, for the intervener.
Mrs. R. M. Gadhvi, APP for the State.

CORAM : A. M. BADAR, J.

DATE : 22nd JUNE, 2016.

P.C. :

1. Heard the learned counsel appearing for the parties.
2. According to the learned counsel for the applicant, after divorcing his first wife on 1.1.2014, he married the first informant on

22.01.2014. The learned counsel further argued that as per the order of this court, applicant has deposited an amount of Rs.8,15,000/-before this Court and he has placed on record a pursis (which is taken on record and marked "X" for identification), stating that he has no objection for handing over that amount to the informant.

3. The learned counsel further argued that considering the nature of allegations, until he is held guilty after recording the evidence, his liberty needs to be protected.

4. As against this, the learned APP argued that applicant after marrying the informant, he has affair with one Akshata. The learned APP further argued that recovery of articles is yet to be effected.

5. I have also heard the learned counsel for the informant. He argued that present applicant is a threat to the society as he has indulged in multiple affairs. The learned counsel submitted that even during the pendency of this application, applicant had taken out photographs of the informant and sent them to another woman with message that he will be getting divorce. The learned counsel further argued that applicant is alluring the another woman by suggesting her that she should also obtain divorce from her husband. Hence according to learned counsel for the informant, applicant is not entitled for pre-arrest bail.

6. The offence alleged against the present applicant is under

Section 406, 498A, read with 34 of the Indian Penal Code, at the instance of his wife Anagha Gujar. The perusal of the F.I.R. lodged by Anagha goes to show that she was well aware that first marriage of the applicant with one Tania was subsisting, but still she joined the company of the applicant on leaving her parental house. The applicant has placed on record the order passed by Family Court, Pune dissolving his marriage with Tania on 1.1.2014. As per the F.I.R., first informant married the applicant in 2014. According to applicant the date of marriage with the informant is 22.01.2014. Though the Investigating Officer has not invoked Section 420 of the Indian penal Code, these are the facts on that aspect.

7. The other averments which can be seen from the F.I.R. as well as papers of investigation are to the effect that the applicant is having multiple affairs with many woman. On 24.4.2015, he had left his house and started residing with one Akshada. There are no allegations of marrying Akshada while the marriage of the applicant with informant is subsisting. The statement of Akshada shows that she is residing with her parents. Her statement prima facie does not show that the applicant Pratim was involved in adulterous conduct. So far as the other avernments regarding appropriation of Rs.28 to 30 tola gold is concerned, this Court on 27.4.2016, recorded statement of learned counsel for the applicant that he will deposit an amount of Rs.8.15 lacs with the Registrar

of this Court.

8. The record shows that the applicant has deposited the said amount. Today the learned counsel for applicant has passed pursis that as the applicant has no objection, if the said amount is handed to the first informant.

9. The term, "cruelty" envisages harsh and harmful conduct of certain intensity and persistence. The harassment must be to an extent of driving married woman to commit suicide or to cause grave injury to herself.

10. Considering the nature of allegations against present applicant as well as fact that he has shown his willingness to hand over the amount so deposited to the first informant, his custodial interrogation is not warranted and therefore, the order.

Order

- I) Application is allowed.
- II) In the event of arrest of applicant, in crime No.380 of 2015 for offence punishable under Sections 406, 498A read with 34 of the Indian Penal, registered with Hinjewadi Police station, District: Pune, he be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with

the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

IV) The applicant shall co-operate the Investigating officer.

V) The applicant shall not tamper with the prosecution evidence in any manner.

VI) The applicant should not repeat the commission of any offence in future.

VII) As per willingness expressed by applicant in pursis, submitted to this Court, amount of Rs.8.15,000/- deposited by the applicant in the Registry of this Court be paid to the first informant Anagha Pratim Gujar after due identification by taking necessary receipt from her.

VIII) Pending applications, if any, are disposed of accordingly.

[A. M. BADAR, J.]