

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

ANTICIPATORY BAIL APPLICATION NO. 767 OF 2016

Mr. Arvind Sitaram Sakate

... Applicant.
(Org.Accused No.5)

V/s.

The State of Maharashtra

... Respondent.

Mr.Rajendra Sorankar, Advocate i/by Abhishek Yende,
Advocate for the Applicant.

Ms. Veera Shinde, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 09th JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. 26 of 2016 for the offence punishable under sections 498 (A), 354, 354 (a) read with section 34 of the Indian Penal Code, registered with Sanjay Nagar Police Station, Sangli, by this application is praying for pre-arrest bail.

2 Heard the learned counsel appearing for the Applicant/accused as well as the learned APP for the State. Learned counsel for the applicant/accused by taking me through the FIR pointed out that the allegations against the present applicant/accused is to the effect that he had disclosed informant-Mrs. Swati that the proposed bride-groom is not

having any vices and earns a handsome salary of Rs. One lakh. According to the learned counsel the next allegation is in respect of outraging modesty of Mrs. Swati and the allegations to that effect are bald and made in order to rope all relatives of her husband. Learned APP accepts that excepts these two allegations, there are no other allegations against the present applicant.

3 Perused the FIR as well as papers of investigation. Also perused the statement of informant-Mrs. Swati recorded under section 164 of the Criminal Procedure Code. It is seen from the papers of investigation that the present applicant has played some role in settling the marriage of informant -Swati with Vijay Bhosale, her husband. Present applicant is husband of sister of Vijay. According to the prosecution case on 29th April, 2015, the alleged incident of outraging modesty of Mrs. Swati by the present applicant took place. The incident so alleged is to the effect that when Mrs. Swati was in kitchen of her house, the present applicant caught hold of her hand and uttered some obscene words. FIR as well as statement recorded under section 164 of the Cr.P.C. is conspicuously silent about the alleged utterances.

4 In all five persons are made accused in the matrimonial agreement in question. Husband, father-in-law, mother-in-law, sister-in-law and her husband are the accused

and tendency to rope in as many as relatives of the husband, is noted in such types of matrimonial offences even by the Apex Court. The applicant was not residing in matrimonial house of Mrs. Swati. Alleged obscene words are not disclosed. The present applicant is working as Sub-Divisional Engineer with a Telecom Company.

5 Considering the nature of the offence and the circumstances in which it was allegedly committed, personal liberty of the applicant needs to be protected and, hence, the following order :-

ORDER

- i. This application is allowed.
- ii. In the event of arrest, the Applicant/accused in connection with Crime No. 26 of 2016 for the offence punishable under sections 498 (A), 354, 354 (a) read with section 34 of the Indian Penal Code, registered with Sanjay Nagar Police Station, Sangli, be released on executing PR Bond in the sum of Rs.5000/- and on furnishing surety in the like amount.
- iii. As a condition of this order, the Applicant should attend the Sanjay Nagar Police Station, Sangli on

19th & 28th June, 2016 between 11 a.m. to 1 p.m.
and he should co-operate the Investigating Officer.

- iv. In addition, the Applicant/accused is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and the applicant shall not tamper with the prosecution evidence in any manner.
- v. The applicant should co-operate the trial court in expeditious disposal of the trial, in the event of filing of the chargesheet.
- vi. The applicant should not commit offence of similar nature in future.
- vii. This anticipatory bail application is disposed of accordingly.

(A. M. BADAR, J.)

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