

Anand

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

ANTICIPATORY BAIL APPLICATION NO.918 OF 2017

Uday Dambe .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.481 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.918 OF 2017**

Gauri Uday Dambe alias .Intervenor
Gauri Shivaji Babar

IN THE MATTER BETWEEN

Uday Dambe .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.Shaikh i/b. Mr.H.E.Palwe, Advocate, for the Applicant
Mr.Prashant Jadhav, APP, for the Respondent – State
Mr.A.U.Nikam a/w. Mr.P.Toshniwal i/b. Mr.A.Satpute, Advocate, for
the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 14.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No. 280 of 2017 registered with the Baramati City Police Station, Pune(Rural), for the alleged offences punishable under Sections 376, 377, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the allegations made against the Applicant are false and baseless. He submits that the relations between the Applicant and the Complainant – wife and the marriage is still in subsistence. He submits that the Applicant has filed divorce proceedings, which are also pending. He further submits that the Complainant has also filed an Application under the Domestic Violence Act, as against the Applicant. He further submits that in the facts, custodial interrogation of the Applicant is not required. According to the learned counsel for the Applicant, the Applicant has handed over all the jewellery to the Complainant. The said statement is disputed by the learned counsel for the Intervenor.

4. Learned APP states that the Complainant was asked to produce the receipts of purchase of the gold ornaments, however, till date, the same have not been produced by her. He further submits that

the Applicant has reported to the concerned investigating officer as directed by this Court.

5. Perused the papers. The Applicant and the Complainant got married on 24.12.2013. It is alleged by the Complainant, that after her marriage with the Applicant, the Applicant started ill-treating her. She has alleged that the Applicant had physical relations with her against her wish. She has further alleged that the Applicant and other co-accused were demanding a sum of Rs.50,00,000/- for purchasing a flat. She has also alleged that the Applicant would assault her, at the behest of her in-laws. As far as the allegations of 313 are concerned, the same have not been attributed to the present Applicant. There is a dispute as to whether the stridhan has been returned by the Applicant to the Complainant and the same will be decided by the trial Court, after evidence is adduced in that behalf.

6. Be that as it may, in the facts of this case, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer till the filing of the charge-sheet or for a period of three months whichever is earlier.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. In view of disposal of the Application, the Intervention Application, being Cri.Appln.No.481 of 2016 does not survive and the same stands disposed of accordingly.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)