

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

ANTICIPATORY BAIL APPLICATION NO.1808 OF 2017

Niteen Popat Mohare

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Vilas Tapkir for the Applicant.

Mr. A.A. Takalkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 30th NOVEMBER 2017

P.C.:

. By an order dated 11.10.2017, the applicant was granted interim relief.

2. The first information report is lodged by Smt. Dipali Niteen Mohare, the wife of applicant stating that the marriage between the applicant and the first informant was solemnized on 22.5.2006 as per Hindu religion. That from the year 2013 the applicant and his family

members started causing harassment to her and demanded dowry from her. That the applicant and his family members caused constant harassment to her by demanding dowry. That on 29.09.2017 at about 6.00 p.m. the applicant and his mother assaulted the first informant and asked her to leave the matrimonial house. That during the said scuffle, the applicant tried to press her neck by hands and banged her head on the wall. The first informant thereafter came to her parents house, took medical treatment and lodge the first information report.

3. Perused the record of investigation.

4. The first informant was examined by medical officer on 01.10.2017 at 2.00 p.m. and it is found that there are certain abrasions, swelling on the body of the first informant. It is to be noted here that since the year 2006 to 2013 there were no allegations for any demand of dowry and as per the version of the first informant in the year 2013 for the first time the said demand was made.

4. After taking into consideration and the material available on record and in view of the ratio laid down by the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar & Anr., reported in (2014) 8 Supreme Court Cases 273*, the applicant deserves to be protected by way

of pre-arrest bail.

Hence, the following Order:

- (i) In the event of arrest in CR No. 433 of 2017 registered with Bhosari Police Station, Pune, the applicants shall be released on bail on his furnishing PR Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.
 - (ii) Applicant shall attend the Investigating Officer as and when called for between 10.00 a.m. to 2.00 p.m. and to join the process of investigation till filing of charge-sheet.
 - (iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)