

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 390 of 2018.

Dilip Devram Wagh & Ors	..Applicants.
Vs	
State of Maharashtra	..Respondent.

Mr. Alankar Kirpekar, Sagar Kasar I/by MAG Legal for the Applicants.

Mr. S.R. Agarkar, APP for the State.

Mr. S.B. Khadke, API, Ambad Police Station, Nashik present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 4TH SEPTEMBER, 2018

P.C:-

1) This is an application filed by the aforesaid applicants for pre-arrest bail under Section 438 of Criminal Procedure Code, apprehending their arrest in C.R.No.I-75 of 2018 registered at Ambad Police Station, Nashik, District Nashik for offences punishable under sections 377 and 406 of the Indian Penal Code and under Section 18 of the Protection of Women from Domestic Violence Act, 2005.

2) Heard Mr. Alankar Kirpekar, learned counsel for the applicants and Mr. Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3) Applicant No.1 is the father-in-law, applicant No.2 is the mother-in-law and applicant No. 3 and 4 are the brother-in-law and sister-in-law respectively of the first informant, namely, Mrs. Mayuri Kiran Wagh. The marital dispute between the first informant and her husband Kiran Wagh has resulted in filing a divorce petition and other proceedings under the Hindu Marriage Act, Protection of Women from Domestic Violence Act, 2005, etc. The first information report dated 15th February, 2018 which led to registration of the crime No. I-75 of 2018 is also an off-shoot marital discord.

4) In the first information report, the first informant has alleged that her husband was soliciting unnatural sex from her. The first informant has also made several other allegations against the family members of her husband. It is to be noted that this Court by an order dated 30th July, 2018 has granted pre-arrest bail to the husband against whom the allegations in respect of offence under Section 377 of IPC have been levelled.

4) Considering the above fact and also considering the nature of allegations levelled against the present applicants, in my considered view, this is a fit case for grant of anticipatory bail. Hence, the following order :

- (i) Application is allowed.
- (ii) In the event of arrest in Crime No. I-75 of 2018 registered with Ambad Police Station, Nashik the applicants be released on bail on furnishing bail bonds of Rs. 50,000/- each with one or two solvent sureties in the like amount to the satisfaction of the concerned Investigating Officer.
- (iii) The applicants shall report to the Investigating Officer as and when required and called by the Investigating Officer.
- (iv) The applicants shall furnish their permanent and temporary addresses, if any, and their contact details to the Investigation Officer.
- (v) The applicants shall not change their residential address without prior intimation to the Investigation Officer.
- (vi) The applicants shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)