

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

**ANTICIPATORY BAIL APPLICATION NO.1007 OF 2018
WITH
CRIMINAL APPLICATION NO.781 OF 2018**

Ratnakar Nanasaheb Bhadke Applicant
Vs.
The State of Maharashtra Respondent

Mr. Aniket U. Nikam for the Applicant.
Mr. Jayendra Khairnar for Intervenor.
Mr. Prashant Jadhav APP for the State.

Coram : **Smt. Sadhana S. Jadhav, J.**
Date : **14th August, 2018**

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.171 of 2018, registered at Ambad Police Station, Nashik for the offences punishable under Sections 307, 324, 498-A, 323, 504,506 Indian Penal Code.

3 It is the case of the prosecution that on 11th April 2018, Mrs. Sharvari Sushil Badade, who happens to be the wife of the nephew of the applicant lodged a report at the police station alleging therein that she had got married to the nephew of the applicant in the year 2015. Initially she was given good treatment. Thereafter she was meted with ill-treatment. There were complaints against her that she was not doing her domestic work properly. She was humiliated by her mother-in-law. That her husband had even assaulted her under the influence of alcohol. Her parents had apologised to her in-laws. It was of no avail. The maternal uncle i.e. the present applicant was called to intervene, however, he had protected the interests of his sister and his nephew. That he was arraigned as an accused in the said report on the basis of which Crime No.171 of 2018 was registered.

4 The applicant was granted interim protection by the Sessions Court vide order dated 16th April 2018. Thereafter the applicant had filed a report at the police station. On 17th April 2018,

the applicant had written a letter to the Commissioner of Police, Nashik City that father of the complainant i.e. Bharat Madhukar Mali, Balasaheb Mali, Dattatray Mali, Amol, Tushar, Pramod, Harshad and others had trespassed the house in the intervening night of 15th April 2018 and 16th April 2018 and had stolen ornaments worth Rs.5,00,000/- i.e. 30 Tolas of gold and therefore sought prosecution against them. The said complaint was enquired. In the course of investigation, after the complainant was discharged from the hospital, she had been to her house alongwith the police and there ornaments were found to be intact. Notices were issued to the applicant to remain present before the police alongwith the tenants residing in Badade premises on 21st April 2018. On 23rd May, 2018, the applicant had audacity of giving in writing to the Police Inspector of Ambad Police Station such an incident had not occurred. That the applicant had stated before the police that since he had settled the marriage, the complainant had arraigned him as an accused in her report and therefore being aggrieved by the same, he had lodged a report. He has specifically stated that due to

misunderstanding the said report is lodged and he does not wish to prosecute the said report.

5 The applicant is an Advocate by profession. He has indulged into unethical tactics after he was granted ad-interim protection by the Sessions Court.

6 Learned counsel for the applicant submits that the applicant is the Senior Lawyer, practising at Nashik. Learned counsel for the applicant humbly submits that the applicant would not indulge into such practices in future. In any case, it is unethical for a Lawyer to create prosecution of such a nature. However, considering the fact that it was a matrimonial dispute between the nephew of the complainant and that the applicant was not residing with the complainant or the accused, the applicant deserves pre-arrest bail.

7 However, the observations are restricted to application under Section 438 of the Code of Criminal Procedure, 1973 and shall

not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order is passed :

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall not contact the complainant or any other witnesses.

(*Smt. Sadhana S. Jadhav, J*)