

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1230 OF 2017

Nana Prakash Chandan

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Siddharth R. Karpe for Applicant .

Mr. S.R. Agarkar, APP for Respondent.

Ms. Alka Saraf, PSI, Sangavi Police Station, Pune.

CORAM : P. N. DESHMUKH, J.

DATE : 12th APRIL, 2018

P.C.:

. Heard Mr.Karpe, learned counsel for applicant and Mr.Agarkar, learned APP for Respondent-State. Applicant involved in C.R. No.I-253-17 registered with Sangavi Police Station for the offences punishable under sections 498A, 313, 323, 504, 506 and 34 of the IPC had sought anticipatory bail contending that he is husband of complainant and is falsely involved.

2. Learned counsel for applicant by referring to contents of report stated that though according to the said document various instances are stated, admittedly there is no report lodged prior to lodging of FIR dated 18/6/2017 and has even contended that false case is made out against applicant in report, therefore he be protected by grant of anticipatory bail.

3. Learned APP on instructions submits that investigation is complete and charge-sheet is likely to be filed within one week. In view of submission advanced as aforesaid applicant is found protected by interim

orders of this Court dated 20/7/2017.

4. Perusal of report would reveal that complainant Akansha was married with applicant on 15/1/2012. It was a love marriage not accepted by family member of applicant and complainant and as such no family members were present for the marriage. After two months it is alleged that applicant caused complainant's pregnancy terminated and it is further stated that during May 2012 applicant demanded Rs.5 Lakhs for purchasing flat. It is further alleged that in October 2012 complainant was again pregnant and applicant was behind him to terminate pregnancy but she denied and gave birth to baby girl in June 2013. From the report it is further noted that thereafter complainant became pregnant in January 2014 and December 2015 when it is alleged that applicant again terminated her pregnancy on both occasions in Kaushala Hospital, Pune.

5. Considering the facts though the incidents are of January 2012 to December 2015, no report is lodged till 17/6/2017 in fact during the period from January 2012 to December-2015 complainant is found to have conceived on 3 occasions, who even otherwise appears to be educated lady stated to be Chartered Accountant and was in service with some company at Pune.

6. In that view of the matter and since investigation is stated to be completed, application is liable to be allowed as it is further noted that complainant though had lodged report against applicant on 17/6/2017 upon which NC is registered none of the facts mentioned in the report dated 17/6/2017 are mentioned in the said NC which therefore prima facie

appears to be an afterthought falsely involving applicant. Hence, order:

ORDER

- i) Interim protection granted to the applicant vide order dated 20/7/2017 stands confirmed;
- ii) Applicant shall attend Investigating Officer if called till filing of charge-sheet;
- iii) Learned Trial Judge shall not be influenced with any of the observations made herein above and shall independently evaluate evidence at the time of trial.
- iv) Application is disposed of accordingly.

(P.N. DESHMUKH, J)