

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

ANTICIPATORY BAIL APPLICATION NO. 1937 OF 2018

Sanjay Sampatrao Gadkari

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Aniket Nikam a/w. Mr. Ashish Satpute for the Applicant.

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

Mr. Machindra G. Dive, API, Vani Police Station, Nashik Rural,
present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 21, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 104 of 2018 registered at Vani Police Station, District Nashik. for the offences under Section 498A, 313, 323, 354(A)(D), 377, 504, 506, of IPC.

2. Heard Mr. Nikam the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. I have perused the record and considered the submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Snehal Lalit Gadkari. The FIR reveals that the first informant was married to Lalit Gadkari on 14th December, 2015. The first informant has alleged that soon after the marriage, her husband and his family members started abusing and insulting her. The applicant herein is the paternal uncle of Lalit Gadkari. The allegations against the present applicant in the FIR are of general nature. However, in the supplementary statement, the first informant had stated that the applicant herein had outraged her modesty while her husband Lalit was in Australia.

4. The records prima facie reveal that the father-in-law of the first informant had already lodged a police complaint against her on 16th February, 2018. In the said complaint, it was alleged that Lalit was employed in Australia and that the first informant was insisting that he should take her to Australia and that she was harassing the family members as he had not taken her to Australia. The records also indicate that the husband of the first informant had already given notice and thereafter filed divorce proceeding. The first information report as well as the supplementary statement, wherein specific

allegations are made against the present applicant, are subsequent to the filing of said divorce proceeding. The records therefore prima facie indicate that the FIR is an offshoot of the said divorce proceeding.

5. Considering the above facts and circumstances, in my considered view, this is not a case which would justify custodial interrogation. Furthermore, the applicant is a permanent resident of Nashik, and there are no chances of the applicant absconding or thwarting the course of justice. There are no criminal antecedents against the applicant.

6. Considering the above facts and circumstances, in my considered view, this is a fit case for grant of pre-arrest bail. Hence the following order.

(i) The application is allowed.

(ii) In the event of arrest of the applicant in Crime No. 104 of 2018 registered at Vani Police Station, District Nashik, the applicant be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the

like amount, to the satisfaction of the Investigation Officer.

(iii) The applicant shall report to the Investigating Officer for a period of four days from 1st October, 2018 from 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iv) The applicant shall not interfere with the complainant and the other witnesses in any manner.

(v) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(vi) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)

Prasanna
Pradeep
Salgaonkar

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by Prasanna
Pradeep
Salgaonkar
Date:
2018.09.25
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