

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

ANTICIPATORY BAIL APPLICATION NO.2045 OF 2018

Dr. Manish Sudhakar Kulkarni	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Ms Madhavi Tavanandi for the Applicant.
Ms Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th OCTOBER, 2018.

P.C.:-

Heard Ms Madhavi Tavanandi, the learned counsel for the Applicant and Ms Pallavi N. Dabholkar, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.14 of 2018 registered with Samarth Police Station, District-Pune, for the offences punishable under Sections 417 and 420 of the Indian Penal Code, 1860.

3. The aforesaid crime was registered pursuant to the FIR lodged by Dr. Neelima Dattatraya Jagtap. A perusal of the FIR prima facie reveals that the first informant was working as Medical Officer in the hospital owned by the Applicant. The Applicant is a married man. The FIR prima facie reveals that the matrimonial relations between the Applicant and his wife were strained. During this time the Applicant and the first informant developed friendship and they had been sharing consensual physical relationship. The first informant claims that the Applicant had promised to marry her. The FIR reveals that after the Applicant was divorced he refused to marry the first informant and in fact married another girl.

4. The FIR has been lodged mainly for the reason that the Applicant has refused to marry the first informant and he married another girl of his choice. Prima facie the allegations made in the FIR do not disclose ingredients of cheating. The Applicant has his roots in the society and there are no chances of the Applicant absconding or thwarting the course of justice. The learned counsel for the Applicant has submitted that during the pendency of the application before the Sessions Court, the Applicant has already reported to the Investigation Officer and that he has already been interrogated. Thus, the presence

of the Applicant is no longer required for interrogation, much less custodial interrogation.

5. Considering the above facts and circumstance, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.14 of 2018 registered with Samarth Police Station, District-Pune, the Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount to the satisfaction of the Investigation Officer.

(ii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.

(iii) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)