

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 2145 of 2018.

Avinash Ashok Tambe

..Applicant.

Vs

State of Maharashtra

..Respondent.

Mr. B. K. Barve a/with Sandeep Barve, Santosh Wagh, Laxmi Ingale I/by B.K.Barve & Co. for the Applicant.

Mrs. J. S. Lohokare, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 16th OCTOBER, 2018

P.C:-

1) This is an application under Section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending his arrest in C.R.No. I-311 of 2018 registered at Sarkarwada Police Station, Nashik for offences punishable under sections 498-A, 323, 406, 504, 506 read with section 34 of the Indian Penal Code.

2) Heard Mr. Barve, learned counsel for the applicant and Mrs. Lohokare, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3) The aforesaid crime was registered pursuant to the

first information report lodged by Anuja Ajay Tambe, who is sister-in-law of the present applicant. The material on record prima facie indicates that the first informant was married to the brother of the applicant on 6/6/2013. The record reveals that there is marital discord between the first informant and her husband. In the first information report, the first informant has alleged that her husband and his family members have been constantly demanding money and had also subjected her to cruelty.

4) It is to be noted that the husband and his other family members including the applicant herein who has been named in the first information report, had filed application for anticipatory bail being ABA No. 1484/2018 before the learned Sessions Court at Nashik. The learned Additional Sessions Judge, Nashik has allowed the application filed by the co-accused. The applicant has not been granted any relief and has listed the application on 25th October, 2018, for 'Say' of the prosecution. The learned Judge has not assigned any reason for declining the relief to the present applicant, who is similarly placed. Be that as it may, considering the fact that the application is still pending before the learned Additional Sessions Judge, I am inclined to grant interim relief to the applicant till the said application is decided on merits. Hence, the following order:-

(i) Application is allowed.

(ii) In the event of arrest of the applicant in Crime No. I-311 of 2018 registered with Sarkarwada Police Station, Nashik, he shall be enlarged on bail on furnishing bail bonds of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Nashik.

(iii) The applicant shall furnish his permanent and temporary addresses, if any, and his contact details to the Investigation Officer.

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

(v) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

5) Application stands disposed of in the aforesaid terms.

6) This order shall remain in force till disposal of the ABA No.1484/2018 pending before learned Additional Sessions Judge, Nashik.

(SMT. ANUJA PRABHUDESSAI, J.)