

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

ANTICIPATORY BAIL APPLICATION NO.2197 OF 2018

Dnyanoba Tukaram Sasane

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Ms.Anjali Patil a/w. Mr.Arun Rajput, Advocate for the Applicant.
Mr.A.R. Kapadnis, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 25, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.344 of 2018, registered at the instance of RCF Police Station, Mumbai, for the offences punishable under Sections 307, 323, 504, 506(2) of Indian Penal Code. First Information Report was lodged on 5th October, 2018.

2 The case of the complainant is that he was in relationship with the wife of the applicant. He had also provided accommodation to her, where she was residing. On 2nd October, 2018, the complainant had visited the place where the wife of the applicant was residing. As both of them were supposed to go to Ahmadnagar. The complainant reached the said place at about

4:30 a.m. and knocked the door. Applicant's wife opened the door. The applicant was also present in the house. The applicant then questioned the complainant as to why he has come there and assaulted him. applicant's wife also assaulted and abused him. Applicant's wife then brought a nylon rope and gave it to applicant and with the said rope, the applicant tried to strangle the complainant. As a result of strangulation, he was unconscious. On the same day, the applicant's wife had lodged complaint against the complainant in this FIR vide C.R.No.345 of 2018, for the offences punishable under Sections 376, 425, 452, 323, 506 (2) and 504 of Indian Penal Code.

3 It is pointed out by the learned counsel for the applicant that the applicant's wife has lodged several other complaints against the accused. She has lodged FIR against the applicant on 5th September, 2018. Medical evidence do not support the case of the prosecution.

4 Learned APP submitted that according to the version of the complainant, he was in relationship with wife of the applicant. The complainant had visited her and at that time, the aforesaid incident had occurred. Investigation is in progress.

5 From the record it appears that the applicant's wife has also lodged complaint for the offence under section 376 of IPC and other penal provisions. She has also lodged NC's against the complainant. Even, the applicant had also filed complaint against the complainant alleging that he is blackmailing his wife. The alleged incident appears to be the outcome of the dispute between both parties. The applicant's wife also alleged to have assaulted the complainant. The complainant was treated in the hospital, which is evident from the medical documents. However, considering the aforesaid circumstances, custodial interrogation of the applicant is not necessary. Hence, the relief under Section 438 of Code of Criminal Procedure, is required to be granted.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2197 of 2018,
is allowed;
- (ii) In the event of arrest of the Applicant in
connection with C.R.No.344 of 2018, registered

with RCF Police Station, Mumbai, he may be released on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (ii) Applicant shall report to RCF Police Station, Mumbai, as and when called for;
- (iii) Anticipatory Bail Application No.2197 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)