

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

ANTICIPATORY BAIL APPLICATION NO. 2198 OF 2018

Prashant Prakashgir Gosavi

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Subodh Desai I/b. Aditya Sawant for the Applicant.

Mr. Rajan Salvi, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 24, 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.304 of 2018 registered with Navghar Police Station, Thane, and subsequently transferred to Pimpalgaon Police Station, Nashik for offences under Section 498A, 201, 323, 341, 354-D, 406, 420, 504, 506 r/w. 34 of IPC, and under Section 67 of Information Technology Act, 2000, and Section 15 of the Juvenile Justice Act, 2000.

2. Heard Mr. Desai, the learned Counsel for the applicant and Shri Salvi, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The applicant is the husband of the first informant Pooja Prasad Gosavi. They were married in the year 2010, and they have a child from the said wedlock. Said Pooja had lodged FIR on 14th August, 2018 alleging that soon after the marriage the applicant and his family members had demanded household articles worth Rs.1,70,000/-. Later, the family of applicant started suspecting her character and started abusing her. Since 2015 the first informant and the child started residing separately at Ozhar, Nashik. However, since she was unable to pay the rent, she returned to her matrimonial house at Pimpalgaon. The first informant had further alleged that on 21st June, 2018 when she had gone to her matrimonial house, at Pimpalgaon, the applicant's family had demanded divorce. The first information report further reveals that the applicant had also filed a private complaint being RCC No.93 of 2018 against the father of the first informant. The first informant has alleged that she has

maintained a dairy about the ill-treatment meted out to her by the applicant and his family members. She has stated that the brother of the applicant had sent some messages from her phone. She has stated that she has been subjected to physical and mental cruelty since the time of her marriage.

4. The records prima facie reveal that the family members of the applicant, against whom similar allegations have been made have already been granted pre-arrest bail by the Sessions Court. The applicant herein has been declined bail mainly on the ground that his presence is required for the purpose of recovery of the mobile phone on which messages were sent. The FIR reveals that the said message was sent by the brother of the applicant, who has already been granted bail. Hence, the presence of the applicant would not be required for recovery of the mobile phone. The material on record shows that there is matrimonial dispute between the applicant and the first informant. The possibility of this FIR being an offshoot of the said matrimonial dispute cannot prima facie be ruled out.

5. Considering the above facts and circumstances, so also considering the nature of the allegations in the FIR, in my considered

view, this would be a fit case to grant pre-arrest bail. Furthermore, the applicant is a permanent resident of Pimpalgaon. There are no chances of his absconding or thwarting the course of justice. The applicant has no criminal antecedents.

6. In view of the above facts and circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the applicant in Crime No.304 of 2018 registered with Navghar Police Station, Thane, and subsequently transferred to Pimpalgaon Police Station, Nashik, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer for four days from Monday 29th October, 2018, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation;

(iii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating 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 and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)