

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

ANTICIPATORY BAIL APPLICATION NO.2214 OF 2018

Rohan Sanjay Bedekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Niranjan Mundargi I/b. Mr. Ranjeet Pawar for the Applicant.
Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.177 of 2018 registered with Gangapur Police Station, Nashik City, for offences punishable under Sections 498A, 504 and 506 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Niranjan Mundargi, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The first informant and the Applicant herein were married on 4.12.2016. The first informant has alleged that the Applicant and his family members have been demanding dowry and subjecting her to cruelty. Alleged demand for dowry was made in the year 2017 when the first informant was residing with her husband in Australia. It appears that matrimonial discord between both the parties have resulted in filing complaint before Maharashtra State Commission for Women as well as proceedings under the Domestic Violence Act, 2005 and divorce proceedings. The subject FIR is also an offshoot of the matrimonial dispute.

4. The records reveal that the co-accused have filed criminal Writ Petition No.4053 of 2018 for quashing the FIR No.177 of 2018 and the Division Bench of this Court by order dated 12.10.2018, has granted rule and stayed the investigation qua the petitioners in the said proceedings. The Division Bench of this Court has observed this fact in order dated 12th October, 2018 and has also noted that the allegations of demand of dowry were not disclosed in the proceedings under the Domestic Violence Act and were made for the first time in the supplementary statement.

5. Considering the above facts and circumstances, particularly the nature of allegations levelled against the Applicant, in my considered view this is not a fit case for custodial interrogation. Hence, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.177 of 2018 registered with Gangapur Police Station, Nashik City, the Applicant shall be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall furnish his contact details to the concerned Investigation Officer.
- (iii) The Applicant shall report to the investigation officer as and when required and called by the investigation officer.

(SMT. ANUJA PRABHUDESSAI, J.)