

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

BAIL APPLICATION NO. 2861 OF 2018

Siddharth Ajay Deshmukh
V/s.

....Applicant

The State of Maharashtra

....Respondent

Mr. Niranjana Mundargi a/w. Mr. Ashutosh T., Mr. Ajay Yadav
I/b. Mr. Sandeep N. Kane for the applicant.
Ms. Pallavi N. Daholkar, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 02nd NOVEMBER, 2018.**

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.354/2018 registered at Dattawadi Police Station, Dist. Pune for offences punishable under sections 498-A, 384, 387, 406, 376, 377, 323, 506, 509 of the Indian Penal Code and under sections 66E and 67A of the Information Technology Act.

2. Heard Mr. Niranjana Mundargi, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by the wife of the applicant. The records prima facie reveals that the applicant and the first informant were in love with each other and that they got married on 13/10/2006. They have a child of nine years from the said wed lock. The records reveals that there is some matrimonial dispute between the applicant and the first informant as a result thereof, the first informant had filed proceedings under Domestic Violence Act on 30/06/2018. The first informant started residing at her parental home since 01/07/2018. The records also indicate that the first informant had filed divorce proceedings 14/08/2018. Present first information report was lodged on 20/09/2018. The first informant has stated that the applicant was harassing and subjecting her to physical and mental cruelty since the year 2006. The first informant had not lodged any complaint against the applicant for the alleged incident of the year 2006. The present FIR is lodged after a considerable time and prima facie appears to be an off shoot of the matrimonial dispute. The above facts therefore would justify grant of bail.

4. The applicant is in custody since 30/09/2018. He has been interrogated and his mobile phone has already been seized. The

applicant is presently in judicial custody and his presence is no longer required for the purpose of investigation and/or interrogation. The applicant is a permanent resident of Mahim (W), Mumbai. There are no chances of the applicant absconding and/or fleeing from justice. The applicant has no criminal antecedents.

5. Considering the above facts and circumstances, the Applicant is entitled for bail. Hence, the Application is allowed on the following terms and conditions :-

(a) The applicant who is arrested in C.R.No.354/2018 registered at Dattawadi Police Station, Dist. Pune is ordered to be released on bail on furnishing bail bonds of Rs.40,000/- (Rupees Forty Thousand) with one or two solvent sureties in the like amount. The applicant is permitted to furnish cash bail for a period of four weeks.

(b) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(c) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned

Court.

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

(SMT. ANUJA PRABHUDESSAI, J.)