

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

ANTICIPATORY BAIL APPLICATION NO.1051 OF 2019

Himmat Tanaji Patil & Anr.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Kuldeep Nikam, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.168/19 registered with Tasgaon Police Station, Sangli, under sections 498-A, 354-A, 494, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Sharda Himmat Patil on 26/03/2019. The first informant is the wife of present Applicant No.1. The Applicant No.2 is the Applicant No.1's father. It is

alleged in the FIR that since 2011 the first informant was married with the Applicant No.1. Since April 2013 the Applicant No.1 and others started harassing her because the Applicant No.1 wanted Rs.2,00,000/- to purchase a four wheeler. It is further alleged in the FIR that the Applicant No.1 had contracted second marriage and was residing with his second wife elsewhere. The first informant continued residing with the family of her husband i.e. Applicant No.1. It is further mentioned in the FIR that on one occasion Applicant No.2 outraged her modesty and behaved indecently with her. Therefore the first informant went to reside with her parents. After that, the Applicant No.1 and others came to first informant's house and pleaded her to go back with them and reside together. The first informant accepted their request and started residing with them. However, the ill-treatment continued. Finally on 07/03/2019 she left the matrimonial house with her brother and after a failed attempt for reconciliation, lodged her FIR.

3. Heard learned Counsel Mr.Kuldeep Nikam for the Applicant and learned APP. Learned Counsel for the Applicant submitted that this FIR was lodged as a counter blast to the complaint given by mother of the Applicant No.1. Such complaint was registered as a NC complaint on the same day i.e. 07/03/2019. Mr.Nikam also invited my attention to the correspondence in the form of a notice and the reply sent by the parties. The Applicant No.1 sent a notice for restitution of conjugal rights to her through his advocate. She had showed willingness to reside together if she was treated properly.

4. Thus, it appears that there is a matrimonial dispute between the parties to which, colour of criminal offence under various sections of IPC is given. In this background custodial interrogation of the Applicant does not appear to be necessary. Hence the Applicants have made out the case for grant of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.168/19 registered with Tasgaon Police Station, Sangli, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)