

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

ANTICIPATORY BAIL APPLICATION NO.1129 OF 2019

Ishwar Balaji Gurram

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Vivek N. Arote, Advocate for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th AUGUST, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.161/2019 registered with Jadbhavi Peth Police Station, District Solapur on 22/3/2019 under Sections 498-A, 323, 504, 307, 511 r/w. 34 of IPC.

2. The applicant is husband of the first informant Sneha Gurram. She has stated in her FIR that she got married with the applicant on 23/11/2016. At the time of marriage, her parents

gave the applicant Rs.1,50,000/- in cash, 15 Tolas gold etc. She was treated properly for a few days. Thereafter, parents of the applicant started ill-treating her. The father of the applicant was addicted to liquor. The mother of the applicant had used to quarrel with her on petty issues. When she delivered a son initially, the informant was not taken her back to her matrimonial house but ultimately, the applicant through some of his friends took her back. It is alleged that the bickering went on even thereafter. In 2018, in the month of March, she was admitted to hospital and she had to undergo surgery. But even then the applicant did not pay anything to take care of her medical bills. Thereafter, the informant again went back to reside with the applicant. It is alleged that, on 27/11/2018, the applicant demanded Rs.5 Lakhs for constructing a house. That time there was a quarrel between the informant and the applicant. It is alleged that the applicant tried to smother her and her child with a pillow. When other family members came because of her shouts, the applicant went away. Thereafter, she went to reside with her parents. It is mentioned in the FIR that, in the past, she had

lodged C.R. No.309/2018 at Jail Road Police Station, Solapur in respect of assault committed on her by the applicant and his family members. On these allegations, she has lodged this FIR.

3. Heard Mr. Vivek Arote, Ld. Counsel for the Applicant and Mr. S. H. Yadav, Ld. APP for the State.

4. Mr. Arote submitted that the informant had appeared before the PI, Women Protection (Special) Cell in the month of February 2019 and her statements were recorded on two occasions i.e. on 23/2/2019 and 25/2/2019. In her first statement, she had showed willingness to reside with the applicant. According to her, it was decided that, they would reside separately from the applicant's parents. However, within next couple of days another statement was recorded wherein the informant stated that the applicant was not willing to reside separately from his parents. Therefore, she demanded that action should be taken against him. Thereafter, this FIR is lodged after about a month. Shri. Arote therefore, submitted that the present applicant is falsely implicated

and no offence is committed by him. The FIR is lodged against him because of the matrimonial dispute.

5. Ld. APP submitted that, in the past also one offence was registered by the informant and therefore, the applicant should not be granted protection of anticipatory bail.

6. I have considered these submission. The statements given by the informant before PI, Women Protection (Special) Cell on 23/2/2019 and 25/2/2019 do not make any reference to demand of Rs.5 Lakhs and attempt by the applicant to smother her and her child with a pillow. This story has come in the FIR for the first time in the month of March 2019. Other issues in respect of ill-treatment at the hands of parents of the applicant are petty issues. They do not fall within the parameters of requirements of Section 498-A of IPC. Therefore, at this stage, there is hardly any material against the present applicant.

7. This application is pending since May 2019. The investigating officer has not brought forth any incriminating material against the applicant despite all these contentions raised by the present applicant. In this view of the matter, custodial interrogation of the applicant is not necessary and I am inclined to grant protection of anticipatory bail to the applicant. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.161/2019 registered with Jadbhavi Peth Police Station, District Solapur, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount.
- (ii) The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)