

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2007 OF 2019

Kailas Pandit Kamane] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Ritesh Thobde a/w Mr. Sagar Tambe, Advocate for the Applicant.
Mr. S.H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 17th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.245/2015 registered with Vijapur Naka Police Station, Solapur u/sec. 302, 307, 498 A, 506 r/w 34 of I.P.C.

2. The FIR is lodged on 29/07/2015 by one Shruti Shevgar. She has stated that, her elder sister Sangita had got married with the applicant's brother Siddhaling. It is mentioned in the FIR that, after initial few days, the husband, his parents and the present applicant started ill treating her. Sangita's husband was demanding Rs.20 Lakhs. The other accused including present applicant were

continuously harassing her. Sangita used to narrate about her harassment to the informant and her mother. On 28/07/2015, Sangita's husband went to the informant's house and assaulted his wife Sangita and the informant. The informant and her other sister Sarika were admitted to hospital and then this FIR was lodged.

3. Heard Mr. Ritesh Thobde, Ld. Counsel for the Applicant and Mr.S.H. Yadav, Ld. APP for the State/Respondent.

4. Mr. Thobde submitted that, the applicant is not alleged to have taken any part in the assault committed on the deceased, first informant and her sister. The only allegations against him pertain to those u/sec. 498 A of I.P.C. and these allegations are also vague. He therefore submitted that, his custodial interrogation is not necessary. He pointed out that, the trial is conducted against the other accused. In the said trial, the applicant's parents were facing the trial of the charges u/sec. 302 and 307 of I.P.C. However, they were convicted for the offence punishable u/sec. 498 A of I.P.C. The husband of the deceased was convicted u/sec. 302 of I.P.C. and Accused No. 5 – Shrishail Madolappa Birajdar is also convicted for the offence u/sec.302 of I.P.C.

5. Ld. APP pointed out that, the applicant was not available to face the trial. The applicant avoided the process of law for over a period of four years. Therefore, he deserves no protection of anticipatory bail.

6. I have considered these submissions. The allegations in the FIR point to the offence u/sec.498 A of I.P.C. against the present applicant. The applicant's uncle and he himself had gone to the house of the informant and both of them had threatened the deceased to sign on the divorce papers. Thus, the applicant's role is very similar to that of the Shrishail Madolappa Birajdar who was convicted in the trial. Considering all these aspects and more particularly since the applicant was absconding for more than four years, protection of anticipatory bail cannot be granted to him. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)