

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

ANTICIPATORY BAIL APPLICATION NO. 1132 OF 2019

Siddhivinayak Umesh Virdhe

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Sarang S. Aradhye, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State.
- Mr. Dattatray S. Nikam, API, Pandharpur City Police Station.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 172/19 registered at Pandharpur City Police Station under Sections 498-A, 417, 323, 504, 506 read with 34 of the IPC.
2. The FIR is lodged by applicant's wife. It is alleged in the FIR that the applicant was physically incapable in consummating their marriage. By suppressing this fact, applicant no. 1 still got married with first informant and thus she was cheated. There are allegations in the FIR that the applicant and his family members were aware of his physical incapability and yet they did not inform her about the same, hence, they were party to the cheating. There

are other allegations of harassment. However, most of these allegations arise from this basic allegation of suppression of this important fact.

3. On the last occasion, this court vide order dated 24th May 2019, had recorded that the applicant was willing to undergo medical tests.

4. Learned Counsel for the applicant submitted that the medical tests accordingly were conducted. I have perused the reports which are produced by the investigating officer. The medical reports support the applicant's case that he is not suffering from any such incapability as alleged in the FIR. The investigating officer is present in the court. On his instructions, learned APP makes a statement that since the medical examination is already completed, his custody may not be necessary. The other allegations are in respect of offence under Section 498A. The allegations are general in nature and custodial interrogation would not reveal anything further than what is mentioned in the FIR. The investigation can go on. However, for that purpose custody of the applicant is not necessary. In this view of the

matter application is allowed. Hence, the following order:-

ORDER

(i) In the event of his arrest in connection with C.R. No. 172/19 registered at Pandharpur City Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station as and when called.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)