

osk

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

ANTICIPATORY BAIL APPLICATION NO. 1607 OF 2018

Sudhir Sitaram Mahadik

... **Applicant**

Vs

The State of Maharashtra & Anr.

... **Respondent**

Mr.A.M. Savagave for Applicant.

Ms.Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 12th March 2019.

P.C.:

1] By an order dated 13th August 2018 the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

2] This matter was placed for hearing yesterday. However, due to non availability of the Investigating Officer, the learned APP was handicapped to argue the matter and therefore it was adjourned today for hearing. Today also the Investigating Officer is absent.

In view thereof, the application is taken up for final hearing.

3] The learned counsel for the applicant, on instructions, submitted that, in pursuance of the directions dated 13/08/2018 the

applicant has attended the Investigating Officer on stipulated dates and has co-operated in the investigation.

4] Perusal of the record indicates that, the investigating agency in furtherance of the directions issued by this Court had made an attempt to resolve the matrimonial dispute between the applicant and the first informant-wife. In the FIR itself, the informant has stated that as she was not convinced with the process of counseling adopted by the police authorities, she proceeded to lodge the present crime.

5] In view of the above, the applicant can be protected by pre-arrest bail. It further appears from the record that the present crime is registered with a view to cause undue harassment to the applicant and his family members. In view of the ratio laid down by the Hon'ble Supreme Court in the case of *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273, the applicant deserves to be protected by pre-arrest bail.

6] Interim relief, granted by order dated 13th August 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)