

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

ANTICIPATORY BAIL APPLICATION NO. 1821 OF 2019

Lalit Macchindra Shelar

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Rameshwar N. Gite, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State.
- Mr. S.D. Lande, API, Lonikand Police Station.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th AUGUST, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 489/19 registered at Lonikand Police Station, Pune for the offences punishable under Sections 498A, 452, 313, 143, 147, 354 and 323 of the IPC.

2. The FIR is lodged by the first informant, who is the wife of the applicant. The informant has stated that she got married with the applicant on 21st July 2018. Initially in the first month she was treated properly. Then, she came to know that the applicant was already married to another lady. The informant started receiving calls from the applicant's first wife's relatives. On 21st April 2019,

the applicant's first wife had visited informant's matrimonial house and had assaulted and abused her. There are allegations against the applicant's father of outraging her modesty. She has further mentioned in the FIR that in the month of April 2019, she was pregnant. The applicant gave her a glass of sugarcane juice. She has stated that after consuming the juice, her pregnancy was terminated. She thought that the applicant had given medicine for causing abortion. Thereafter, she had gone to Satkar Hospital, Nhavra. The medical bills were not paid by the applicant. Thereafter, applicant had deserted the informant and left the house. The informant was asked to leave her tenanted room and thereafter she lodged her FIR.

3. Heard, Mr. Gite, learned counsel for the applicant as well as Mr. Jadhav, learned APP for the State.

4. Learned counsel for the applicant submitted that the applicant had not committed any offence. The FIR itself does not show that any offence was committed by the present applicant. All the allegations are made against other accused.

5. Learned APP produced before me the papers of investigation,

and opposed the application.

6. I have considered their submissions and I have perused the papers of investigation carried out so far. In the FIR, there are no allegations against the present applicant which would amount to any offence under Section 498A of the IPC. The main allegation against the present applicant is in respect of commission of offence punishable under Section 313 of the IPC. In that respect, only allegation is that the applicant had given her a glass of sugarcane juice. The informant was under impression that applicant had given some medicine causing miscarriage. In that context, there is a statement of Dr. Nilima Satkar attached to Satkar Hospital. The first informant had gone there for taking treatment. This medical officer has stated that in April 2019, the informant had approached this doctor. The informant thought that she was pregnant. However, the informant had not done further tests and therefore her pregnancy was not confirmed. On 10th May 2019, the informant again approached this doctor. Based on her symptoms, the doctor treated her as if there was miscarriage. However, this witness has stated that she was not in a position to make a definite

statement as to whether the informant had become pregnant or not.

7. In this view of the matter, even offence under Section 313 of the IPC against the applicant is not made out. His custodial interrogation is not necessary and the applicant deserves the protection of anticipatory bail. Hence, the following order:-

ORDER

(I) In the event of his arrest in connection with C.R. No. 489/19 registered at Lonikand Police Station, Pune, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)