

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (ABA) No.680 of 2018
(Asim Suresh Gajbhiye .vs. State of Maharashtra through PSO PS
Ramnagar, Tah. And Dist. Gondia and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. D.C. Daga, Advocate for Applicant
Mr. J.Y. Ghurde, APP for Respondent No.1.
Mr. Virat Mishra, Advocate for Respondent No.2.

CORAM : Manish Pitale, J.
DATED : July 5, 2019.

Heard learned counsel for the parties.

2. This is an application seeking anticipatory bail in respect of offences registered against the applicant under Sections 377, 498-A and 506 read with 34 of the IPC, as also sections 3 and 4 of the Dowry Prohibition Act. The complainant is the wife of the applicant herein and as per report submitted, the allegations against the applicant are that he demanded dowry from her and on that basis harassed her after their marriage. It is also alleged in the complaint that the applicant had indulged in activities which according to the complainant amounted to an offence under Section 377 of the I.P.C.

3. A perusal of the report shows that even before marriage the parties knew each other and they were intimate with each other. It appears that after marriage the relations between the parties deteriorated and that the complainant approached the Police after about 4 ½ months of the alleged incidents.

4. Considering the fact that the applicant herein is a Doctor by profession and working as a Medical Officer, this Court while issuing notice on 27.09.2018 had granted ad-interim protection to the applicant in the following manner:-

“(i) In the event of the arrest of the applicant in Crime No.285 of 2018 registered with the respondent for offences punishable under sections 377, 498-A, 506 read with section 34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act, he be released on bail on furnishing personal bond of Rs.20,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the Investigating Officer every day from 29/09/2018 to 06/10/2018 between 10.00 a.m. to 12.00 noon and thereafter as and when directed by the Investigating Officer.

(iii) The applicant shall neither tamper with the prosecution evidence nor shall attempt to influence the prosecution witnesses in any manner.”

5. It has also been reported by the learned counsel appearing for the rival parties that during the pendency of the present application, attempts were made at settlement of the dispute between the parties but the attempts appear to have failed.

6. Looking to the material on record and the fact that the ad-interim protection was already granted to the applicant and there is no allegation against him that he has defaulted in abiding by the conditions imposed by this Court, the present application deserves to be allowed.

7. Accordingly, the application is allowed and the applicant is granted anticipatory bail on the same conditions on which he was granted ad-interim protection. The applicant shall cooperate with the investigation and he shall make himself available before the Investigating Officer as and when required. Needless to say that the applicant shall not tamper with the evidence or influence the witnesses.

JUDGE

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