

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.301 OF 2020

Tanaji Pandurang Patil

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyavrat Joshi for applicant.

Smt.A.A.Takalkar, APP, for State.

Mr.M.B.Pati, PSI, Kodoli Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th February 2020

PC :

1. This is an application for anticipatory bail in CR No.2 of 2020 registered with Kodoli Police Station, District Kolhapur, for offences under Sections 498(A), 313, 494, 504, 506, 323, 417 r/w 34 of Indian Penal Code.

2. The complainant has alleged that the applicant is her husband. On 24th April 2015 the marriage was performed between them. Accused no.2 is mother-in-law and accused no.3 is her sister in law. She did not disclose to her parents that she had performed marriage with applicant. After one month the complainant was brought to the matrimonial home. The complainant started residing with applicant at her matrimonial home. She learnt that the applicant is already married and having two children. On questioning him, it was informed that he has divorced his wife and the children of applicant and in-laws were staying together at Panhala. The applicant harassed the complainant and made her consume pills which had resulted in abortion. She was assaulted. On 3rd October 2018 the

first wife of applicant came to stay with him. The complainant was tortured. The accused demanded money. She was subjected to harassment.

3. The applicant had preferred application for anticipatory bail before Sessions Court, which was rejected on 1st February 2020. The mother and sister of the applicant were granted anticipatory bail by Sessions Court.

4. Learned advocate for applicant submitted that there is no marriage between the applicant and the complainant. The applicant is not in relation of whatsoever nature with the complainant. There is no proof of marriage. The complaint is false. The provisions of Section 498(A) of IPC are not attracted. The offence u/s 313 of IPC is not made out. The wife of the applicant was interrogated by police. The applicant has also attended police station and co-operated with investigation.

5. Learned APP submitted that although the complainant has not produced the proof of marriage, the statement of some witnesses were recorded which would show that they were residing together since 2013. The statement of wife of applicant is recorded and she has stated that the complaint is false. She has denied that the complainant is residing with them.

6. Except oral statement there is no proof of marriage. In any case, the grievance of the complainant is that the marriage was performed between the complainant and the applicant in 24th April 2015. The applicant is a married person having two children.

Considering the facts of this case, custodial interrogation of the applicant is not necessary.

7. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.301 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.2 of 2020 registered with Kodoli Police Station, District Kolhapur, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer on 20th and 21st February 2020 between 11 and 1 pm.

(PRAKASH D. NAIK, J.)

MST