

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.932 OF 2021

Bhushan Suresh Patil,
Age 33 years, Occ : Private Service,
R/o Plot No. 9, Jaihind Colony,
Dhule, District Dhule. ... Applicant.

VERSUS

State of Maharashtra
Through Police Inspector,
West Deopur Police Station, Dhule,
District Dhule. ... Respondent.

...
Advocate for the Applicant : Mr. N. L. Choudhari
APP for the Respondent – State : Mr. N. T. Bhagat

...
CORAM : V. G. BISHT, J.

DATE : 27th AUGUST, 2021

PER COURT :-

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.88 of 2021 registered with West Deopur Police Station, Dhule, District Dhule for the offence punishable under Sections 498-A, 377, 323, 504, 506, 34, 406 and 312 of the Indian Penal Code, 1860.

2. It is the case of prosecution that informant was married to applicant on 19.06.2013. However, after the marriage, the

applicant and his family members, who are made accused in the First Information Report, started suspecting her character and subjected her to physical and mental harassment. Even they used to ask her to bring Rs. 15,00,000/- from her parents. It is further alleged that she was compelled against her will to undergo an abortion and the applicant indulged in unnatural sex and also did video recording in his mobile with a threat to upload the same on the net.

3. Mr. N. L. Choudhari, learned counsel for the applicant, submits that he and his family members had been falsely implicated. Even otherwise having regard to the nature of allegations, the custody of applicant is not necessary for investigation and that he is ready to abide by any terms and conditions which may be imposed on him by this Court.

4. Mr. N. T. Bhagat, learned APP, on the other hand, would oppose the application by contending that having regard to the allegations, the present application needs to be rejected.

5. A careful perusal of the FIR would show that the allegations against the present applicant are that of physical and mental cruelty, demand of money and as also performing unnatural sex. This being the nature of allegations in my

considered view it is not a case where custodial interrogation of the applicant is necessary. As far as the allegation of making video clip of the unnatural sex is concerned, the same can be taken care of by asking the applicant to cooperate during the investigation.

6. In view of above, I am inclined to allow the application.

Hence, I pass the following order :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant – Bhushan Suresh Patil herein in connection with Crime No. 88 of 2021 registered with West Deopur Police Station, Dhule, District Dhule for the offence punishable under Sections 498-A, 377, 323, 504, 506, 34, 406 and 312 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only), with one or two sureties in the like amount.
- (iii) The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- (iv) The applicant shall not tamper with the prosecution evidence in any manner.
- (v) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**