

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

19 ANTICIPATORY BAIL APPLICATION NO.1162 OF 2021

PRADEEP NARAYAN KHATAL
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Amol S. Sawant, Advocate for the applicant.
Mr. A.S. Shinde, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 13-12-2021

ORDER :

1. The applicant is apprehending arrest in CR No.95/2021 registered with Sakri Police Station, Taluka Sakri, District Dhule for the offences punishable under Sections 498-A, 494, 406, 323, 504, 506 of the Indian Penal Code (for short "I.P.C").

2. The applicant is husband. The case of the complainant is that she was harassed and that the Stridhan belonging to her is misappropriated. The F.I.R. has been lodged against other accused. Some of the co-accused were granted anticipatory bail by the Sessions Court. From the F.I.R. it can be seen that the complainant was allegedly driven out of the matrimonial home on 17th September 2017. Thus, thereafter the complainant has been residing at her parental home. The F.I.R. was lodged on 25th March 2021.

3. The applicant was granted interim protection by order dated 6th October 2021. He was directed to appear before the Investigating Officer on 13th, 14th 18th October 2021.

4. Learned Counsel for the applicant submitted that the applicant has complied the directions of reporting the Investigating Officer.

5. Learned A.P.P. submitted that apart from the allegations under Section 498-A of I.P.C., the applicant has also committed offence under Section 494 of I.P.C. He has performed second marriage when the first marriage was in subsistence. Statements of witnesses recorded during the investigation support the allegation of performing second marriage. It is also submitted that there are photographs which indicate that the accused have performed second marriage. However, statement of the lady with whom the alleged second marriage was performed by the applicant, was recorded and she has denied performance of such marriage.

6. The offence under Section 494 of I.P.C. is bailable in nature. The applicant has reported the Investigating Officer and complied the directions of this Court. The dispute is on account of matrimonial discord between the parties.

7. Considering the aforesaid circumstances, custodial interrogation of the applicant is not necessary. Hence, I pass the following order.

ORDER

- (i) ABA No. 1162 of 2021 is allowed.
- (ii) Interim order dated 6th October 2021 is confirmed.
- (iii) In the event of arrest of the applicant in Crime No.95/2021 registered with Sakri Police Station, District Dhule, the applicant be released on bail on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iv) Applicant shall report the Investigating Officer as and when called for, till filing of the charge-sheet.
- (v) The application stands disposed of.

(PRAKASH D. NAIK, J.)*VD_Dhirde*