

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 ANTICIPATORY BAIL APPLICATION NO.1186 OF 2021

**SAGAR BHAGWAN CHHATTISE
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Mahesh P.Kale and Mr. Atul R.Muley, Advocate for applicant
Mr. A.V.Deshmukh, APP for Respondent-State

...
CORAM : PRAKASH D. NAIK, J.
DATE : 16th DECEMBER, 2021

PER COURT:

1] The applicant is apprehending arrest in Crime No.0300 of 2021 registered with Ahmednagar Camp Police Station, Ahmednagar, Dist. Ahmednagar for the offences punishable under Sections 498(A), 313 and 107 read with Section 34 of Indian Penal Code (for short, 'IPC').

2] The case of the complainant is that she is the wife of applicant. The marriage was performed about one year ago. She was forced to undergo abortion. She was illtreated by the accused.

3] The contention of applicant is that he is not married to the complainant. Notice was issued at the instance of the complainant prior to registration of First Information Report (for short, FIR'), which has been replied by the applicant. He is aged about 19 years and the age of

the complainant is around 34 years. She is married lady having two children. The date and the place of the abortion is not mentioned in the FIR.

4] I have perused the FIR. The version of complainant in notice and FIR is contradictory.

5] Applicant was granted interim protection by order dated 11th October 2021 with directions to appear before the Investigating Officer. Applicant had complied the said directions by appearing before the Investigating Officer.

6] Learned APP submitted that applicant had performed marriage with the complainant. It is fortified by the photographs with regard to rituals performed in the temple. The photographs are part of investigation papers. The investigating officer has recovered photographs, relating to intimate relationship between the complainant and applicant. The photographs were handed over by complainant. Supplementary statement of the complainant is recorded. It is alleged that the accused had forwarded the objectionable photographs to other persons. There was harassment to the complainant. There was demand of money from the complainant. The statement of mother of the complainant supports the grievance of the complainant.

7] Supplementary statement indicates that the complainant is a married lady. This fact is not recorded in the FIR. Although, it is alleged that the accused has committed the offence under Section 313 of IPC. No details are provided by the complainant in respect of alleged abortion. Statements of the persons, who received the alleged obscene photographs forwarded by the accused are not recorded. The cell phone of applicant has been recovered. According to the prosecution, it was in damaged form and applicant had tried to destroy the evidence. The photographs, which are part of the investigation papers are provided by the complainant. In these circumstances, the custodial interrogation of applicant is not necessary. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1186 of 2021 is allowed.
- (ii) Interim order dated 11th October 2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with Crime No.0030 of 2021 registered with Ahemdnagar Camp Police Station, Ahmednagar, Dist.Ahmednagar 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.
- (iii) Applicant shall report Investigating Officer as and when called for.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)