

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.1219 OF 2021**

1. Ajinkya Anil Patil,  
2. Anil Shankarrao Patil, &  
3. Ketki Ajinkya Sarnaik. .... Applicants  
Versus  
The State of Maharashtra .... Respondent

Smt. Tripti R. Shetty, Advocate a/w. Akash Vijay a/w.  
Davinder Sabarwal, for the Applicants.  
Mr. S.R. Agarkar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL,  
J.**

**DATE : 19<sup>th</sup> MAY, 2021  
[Vacation Court]  
[Through Video Conferencing]**

**PC. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No.147/2021 registered at Juna Rajwada Police Station, Kolhapur under Sections 498-A, 452, 427, 323, 504, 506 read with 34 of the Indian Penal

Code.

2. Heard Smt. Tripti Shetty, learned Counsel for the Applicants and Shri. S.R. Agarkar, learned APP for the State.

3. Applicant No.1 is husband of the first informant, Applicant No.2 is father of Applicant No.1 and Applicant No.3 is married sister of Applicant No.1.

4. The FIR is lodged on 1.4.2021 by Applicant No.1's wife. She has stated that she got married with Applicant No.1 on 18.1.2020 through a registered marriage. It was a love marriage. On 25.6.2020, the Applicants' family again got them married by performing religious rites. After the marriage, the informant started residing with her husband at Pratibha Nagar. She had brought twenty tolas gold ornaments with her. The FIR mentions that she used to visit house of her in-laws at Ram Galli with Applicant No.1. On 5.10.2020, the couple was blessed with a daughter. It is alleged that the Applicants'

family was not happy because of birth of a girl child and they started insulting her. It is alleged that Applicant No.1 asked the informant to bring Rs.50 Lakhs for purchasing a flat. The informant had refused. It is alleged that Applicant No.1 started abusing and beating her. Applicant No.1's parents also took his side. Finally on 25.3.2021, she left her articles in her matrimonial house and she came back to reside with her parents. On 1.4.2021, at about 7:30 p.m., all the Applicants came to her parental house. They wanted to see the child. The informant told that the baby was sleeping. The Applicants did not listen to her. It is alleged that Applicants No.1 and 3 started beating her. Even her mother was beaten. Applicant No.1 went to the upper floor. He broke the door and took his child forcibly. He assaulted the maid and then they went away after threatening her. After this incident, the informant went to the police station to lodge her FIR.

5. Learned Counsel for the Applicants submitted that the baby was handed over by the Applicants to the

informant in the police station itself. Learned Counsel submitted that the Applicants had also gone to the same police station to lodge their own complaint, but, their complaint was not registered. She, therefore, submitted that the Applicant's intention was not to separate the mother from her child. In fact the child was immediately handed over to the informant in the police station itself and as of today the child is with the informant. She further submitted that the love marriage was not approved by the informant's family and, therefore, they were creating trouble in the marital life of the couple. She invited my attention to the WhatsApp chat between Applicant No.1 and the first informant. The chat is dated 30.3.2021 i.e. just a couple of days prior to the incident dated 1.4.2021. She submitted that the chat shows that the conversation was intimate between husband and wife and everything was normal between them.

6. Learned A.P.P. opposed this application. He relied on the allegations made in the FIR. He submitted

that there was demand of Rs.50 Lakhs and, therefore, custodial interrogation of the Applicants is necessary.

7. I have considered these submissions. As far as Applicant No.2 is concerned, there are hardly any allegations against him. There are some allegations against Applicant No.3 that she played her part in taking away the child forcibly. However, the child was immediately handed over to the informant in the police station itself. The allegations that Applicant No.1 was demanding Rs.50 Lakhs is her version which needs to be tested during trial. But for that purpose, custodial interrogation of the Applicants is not necessary. Significantly, there was a WhatsApp chat as pointed out by learned Counsel for the Applicants at page-63 of this application. The chat is dated 30.3.2021. This conversation is intimate conversation between the couple and does not reflect any marital discord.

8. In this view of the matter, custodial interrogation of the Applicants will not serve any purpose.

If at all, it will only create bad blood between the parties which is avoidable at this stage. Therefore, the Applicants can be protected by an order of anticipatory bail. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R.No.147/2021 registered with Juna Rajwada Police Station, Kolhapur, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) The Applicants shall not make any attempts to pressurize the informant or her family.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**