

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

ANTICIPATORY BAIL APPLICATION NO. 123 OF 2021

Shrikant Tulsiram Sasar Applicant

Versus

The State of Maharashtra Respondent

Mr. Balasaheb Deshmukh for Applicant.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.701 of 2020, registered at Hinjwadi Police Station, Pimpri-Chinchwad, on 12/12/2020, under sections 498A, 354, 420, 323, 504, 506, 507 and 509 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.') is lodged by one Yogita Sasar. She has stated that, she was earlier married to one Santosh in the year 2013. She had got divorce from

him on 04/09/2020. She has stated that, she was knowing the present applicant since before her divorce. After her divorce the applicant tried to develop their relationship. It is alleged that, they had their physical relations. The applicant had promised to marry her. Initially, he started avoiding subject of marriage. The informant started avoiding the informant and finally he got married with the informant on 24/09/2020. None from his family was present. It is alleged that the applicant always avoided to take her to his house. On 11/11/2020 there was a meeting attended by the family members of the applicant and the informant herself. At that time, after discussion, the applicant's family refused to accept the informant in their family. The applicant apologized to the informant and then they continued staying together at village Nande, Tal. Mulshi. It is alleged that, the applicant took some ornaments of the informant on some pretext. It is alleged that the applicant used to quarrel with the informant and on some occasions had unnatural sex with her. She was also humiliated regarding her skin condition. There are allegations in the F.I.R. against other relatives of the applicant attributing filthy language

to them. Finally, it is alleged that, on some pretext the applicant deserted the informant. The informant gave a complaint that the applicant was missing. This complaint was given at Hinjawadi police station on 27/11/2020, but she realized that she was deliberately deserted by the applicant and thereafter this F.I.R. was lodged on 12/12/2020.

3. Heard Shri. Deshmukh, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

4. The learned counsel for the applicant invited my attention to the complaint made by the applicant to the Hinjawadi police station on 20/11/2020. The applicant has mentioned instances when he was pressurized by the informant by issuing threats of commission of suicide. He was forced to marry her and it is alleged that the informant has concealed the factum of her earlier marriage from the applicant. Shri. Deshmukh, therefore, submitted that, as a counter blast to this complaint, this F.I.R. was lodged involving all the family members of the applicant. This F.I.R. is obviously motivated and, therefore, the applicant deserves protection of an order of anticipatory bail.

5. The learned APP relied on the allegations made in the F.I.R. and opposed grant of any relief.

6. I have considered these submissions. There is considerable force in the submission of Shri. Deshmukh that the applicant had given a complaint earlier in point of time and as a counter blast, perhaps this F.I.R. was lodged against him. The complaint given by the applicant elaborately mentions how the informant had almost forced him to marry her by concealing her earlier marriage. Even otherwise, from the averments in the F.I.R. there are hardly any allegations against the present applicant attracting ingredients of section 498A of I.P.C. The F.I.R. itself indicates that, at the instance and insistence of the informant herself the applicant had got married with her. The F.I.R. shows that, in spite of stiff opposition from the applicant's family, the applicant still attempted to reside peacefully with her at some different places, but their differences grew and it was not possible for them to stay together. The F.I.R. indicates that the applicant had deserted her. Even considering all these allegations, hardly any offence is made out against the present applicant. The allegations

about the unnatural sex are not substantiated by any immediate complaint or protest made by the informant in the past. Considering all these aspects, custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.701 of 2020, registered at Hinjwadi Police Station, Pimpri-Chinchwad, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)