

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

**ANTICIPATORY BAIL APPLICATION NO. 184 OF 2021
(ABA/ST/1251/2021)**

Ishan Ullah Kamal Applicant
Versus
The State of Maharashtra Respondent

Mr. Shivraj N. Kunchge for Applicant.
Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1063 of 2020 registered at Samarth Police Station, Pune City, on 23/11/2020, under sections 498A, 323, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.') is lodged by the applicant's wife on 23/11/2020. She has stated that, in the year 2015 she got acquainted with the applicant through social media. Their acquaintance developed into a love relationship. However, subsequently, a dispute arose between them and she lodged C.R.No.199 of 2017 at Kondhwa police station in the year 2017 under sections 376 and 377 of I.P.C. The applicant

was arrested in the month of December, 2018. In January 2019 he was granted bail by the sessions court. He was directed not to contact the informant. However, after his release on bail he contacted the first informant and suggested that they could get married and she should forget whatever had happened in the past. The informant agreed and they got married in September 2019. It is her case in this F.I.R. that, the applicant was constantly after her for withdrawing the case lodged by her under section 376 of I.P.C. The informant wanted to be sure about his intentions and she was telling him to wait for few months, but the applicant was not listening to her. The informant's mother had arranged a flat for them to reside. It is mentioned in the F.I.R. that, there used to be frequent quarrels and beating at the hands of the present applicant and he was pressurizing her to withdraw the case lodged against him. He told her that, he got married with her, so that, she should withdraw the case against him. In December, 2019 the applicant dropped her to her parental house. In January, 2020 he again suggested that they can stay together in a rented flat. The informant's mother arranged for a rented flat. However, the couple

did not reside there, instead the applicant kept visiting her parental house. Since March 2020 he did not contact her at all. On this basis, the F.I.R. is lodged.

3. Heard Shri. Shivraj Kunchge, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

4. The learned counsel for the applicant submitted that, in the entire F.I.R. there are no allegations attracting ingredients of section 498A of I.P.C. The emphasis is on the previous case for which some proceedings are going on and the applicant is already granted bail in that case. He, therefore, submitted that the applicant's custody in this particular case is not necessary.

5. The learned APP relied on the averments made in the F.I.R. and opposed this application.

6. I have considered these submissions. From the entire F.I.R., as rightly pointed out by the learned counsel for the applicant, emphasis is on the earlier case and the applicant's constant demand for withdrawal of that case. This demand of withdrawal of that case went on for quite some time. Obviously, if both of them are married, the applicant would expect that his wife

would not have any accusations against him. That by itself may not amount to the offence described under section 498A of I.P.C. Apart from this allegation, there are hardly any allegations attracting section 498A of I.P.C. The applicant is already granted bail in earlier case registered at Kondhwa police station. His custodial interrogation on the basis of these allegations is not necessary. The applicant deserves protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.1063 of 2020 registered at Samarth Police Station, Pune City, 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) The applicant shall attend the concerned police station, every fortnight till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)