

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

ANTICIPATORY BAIL APPLICATION NO. 582 OF 2021

Amey Purushottam Kudchadkar Applicant

Versus

The State of Maharashtra Respondent

Mr. Prasad Borkar, for the applicant.

Mr. Ajay Patil, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 5th APRIL, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No 41 of 2021 registered at Kapurbavdi Police Station, Thane under sections 498A, 323, 504 of the Indian Penal Code.

2. Heard Mr. Prasad Borkar, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The FIR is lodged by wife of the applicant. It is mentioned in the FIR that they got married on

27/11/2014. They started residing together at their matrimonial house. After a few days of cordial relationship, there was change in the attitude of the applicant. The informant was abused and assaulted. It is alleged that the applicant used to stay out of the house for four to five days. The informant suspected the applicant's character. She followed him and found that he was visiting a lodge with girls. He was addicted to liquor. On 09/12/2020, the applicant left the house and did not return. Thereafter, the informant approached the Women Protection Cell at Kapurbavdi. The applicant came there and told them he did not want to reside with the victim and that he wanted divorce. On these allegations the FIR is lodged.

4. Learned Counsel for the applicant submitted that the FIR is lodged as a counter blast to the steps taken by the present applicant. The applicant himself had written a complaint to the Commissioner of Police, Thane, on 09/12/2020 wherein he had mentioned that he was fearing physical harm from the informant and her

relatives. He had narrated how the informant used to abuse and cause harassment to him. Learned Counsel for the applicant submitted that on 04/12/2020, the applicant has filed Divorce proceedings before the Family Court at Thane. He submitted that the FIR is therefore lodged as a counter blast to this proceeding.

5. Learned Counsel for the applicant stated that pursuant to the directions given by this Court (Coram: Prakash D. Naik, J.) vide order dated 4th March 2021, the applicant had attended the police station and has co-operated with the investigation.

6. Learned APP relied on the allegations made in the FIR. However, he admitted that the applicant has attended the concerned police station and has cooperated with the investigation.

7. I have considered these submissions. There is considerable force in the submissions of learned Counsel for the applicant that the FIR is belatedly lodged as a

counter blast to the steps taken by the present applicant. It appears to be a matrimonial dispute which has reached this stage. The allegations are general in nature. The investigation can continue. The applicant has already attended the concerned Police station and has cooperated with the investigation. Therefore, in this background custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 41 of 2021 registered with Kapurbawadi Police Station, Thane the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.

(iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)