

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

**ANTICIPATORY BAIL APPLICATION NO.1370 OF 2021
WITH
INTERIM APPLICATION NO. 1657 OF 2021**

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
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Date: 2021.10.20
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Wasim Mohammed Yunus Shaikh Applicant

Vs.

The State of Maharashtra Respondent

Ms. Faiza A. Dhanani i/by Cue Legal for Applicant.
Mrs. J.S. Lohokare, APP for State of Maharashtra.
Mr. Madhukar P. Dalvi, for Intervenor.

**Coram : NITIN W. SAMBRE, J.
Date : 20TH OCTOBER, 2021**

P.C.:

1. The applicant is seeking pre-arrest bail in Crime No. 314 of 2021, registered with Nayanagar Police Station, for the offence punishable under Sections 498-A, 406, 377, 354, 323, 504, 506 read with 34 of the Indian Penal Code.

2. On 10th July, 2020, the victim was married to the applicant, who is a Pilot by profession.

3. The applicant is seeking pre-arrest bail on the ground of false implication, whereas the complainant, assisted by the learned APP has resisted the application on the ground of physical assault, serious offence punishable under Section 377 of the Indian Penal Code and relied on certain documentary and medical evidence.

4. Considered submissions.

5. The medical certificate produced by the complainant on record so as to justify the accusation in the F.I.R. if appreciated, the fact remains that said certificate pertains to an injury, which claimed to have suffered two months back i.e. in the month of March, 2021. Even the F.I.R. came to be registered at a belated state, for which no explanation is coming forward.

6. All the family members of the applicant are implicated as accused, but for the applicant others are released on pre-arrest bail. The applicant is very much available for the investigation. Considering

the nature of evidence particularly medical evidence available on record, the delay in filing F.I.R. and the conduct of the complainant against all family members of the applicant-accused, in my opinion false implication cannot be ruled out. Hence, following order :

ORDER

i) In the event of arrest in Crime No. 314 of 2021, registered with Nayanagar Police Station, for the offence punishable under Sections 498-A, 406, 377, 354, 323, 504, 506 read with 34 of the Indian Penal Code, the applicant be released on bail on his executing P.R. bond of Rs.15,000/- with one or more sureties in the like amount;

ii) The applicant is directed to attend the concerned Police Station on 26th, 28th, and 30th October, 2021 between 10.00 am. to 12.00 pm. and thereafter as and when directed;

iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence or shall not contact the victim directly or indirectly.

7. Interim Application shall stands disposed of as not survived.

(NITIN W. SAMBRE, J.)