

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

ANTICIPATORY BAIL APPLICATION NO.2298 OF 2021

Basavraj Annappa Natekar Applicant

versus

State of Maharashtra Respondent

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- Mr.Vijay R. Shinde a/w Sarala V. Shinde i/b. Shinde & Co.,
Advocate for Applicant.
- Mr.Y.M. Nakhwa, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.443/2021 registered with Jat Police Station, Sangli, under sections 313, 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.
2. Heard Mr.Vijay R. Shinde, learned counsel for the Applicant and Mr.Y.M. Nakhwa, learned APP for the State.

3. The FIR is lodged on 25/08/2021 by wife of the Applicant. She has stated that she had got married with the Applicant on 30/01/2020. After their marriage, the couple started residing at Shirur, Pune. In February 2020, the couple started residing with the Applicant's uncle at Rajguru Nagar, Khed, Pune. It is alleged that at that time, the Applicant's uncle and aunt used to harass her. Because of this harassment, the informant as well as the Applicant started residing in a different society. It is alleged that the Applicant was not paying attention to the household difficulties. He never used to bring grocery. He used to have meals outside the house and the informant had to starve. The Applicant's uncle and aunt used to come to that place also and used to harass her. It is alleged that the Applicant demanded Rs.4 lakhs from the informant to purchase a house in Pune. The informant's father had transferred Rs.1 lakh to the informant. It is further alleged in the FIR that in August 2020, when she was pregnant for 3 months, the Applicant forced her to consume pills for abortion. The pills did cause abortion. Thereafter in May 2021 the Applicant left her at his parent's

place at Muchandi and the Applicant left for Pune. It is alleged that other family members of the Applicant started harassing her there. On 15/08/2021, the informant's father took her to the Applicant's place in Pune. At that time, there was some quarrel and thereafter the informant came back to reside with the father.

4. Learned counsel for the Applicant submitted that the Applicant himself had lodged his FIR vide C.R.No.602/2021 at Shirur Police Station, Pune, on 15/08/2021 u/s 325, 323 r/w 34 of IPC against his wife, the informant in this case and her father. He submitted that in that incident, the Applicant had suffered bleeding injuries on his hand. As a counterblast to this FIR, the informant in this case has lodged this present FIR against the Applicant.

5. Learned APP opposed this application. He submitted that the marriage had taken place barely 1 ½ years prior to lodging of the FIR. There was harassment to the informant at the hands of Applicant, his relatives and parents. There was

demand of dowry. He further submitted that there are allegations of commission of offence u/s 313 of Cr.PC. and therefore anticipatory bail should not be granted to him.

6. I have considered these submissions. As far as offence u/s 313 of Cr.PC. is concerned, the informant had consumed pills on the say of the Applicant in August 2020. She had not made any complaint to anybody about the same and at this stage it is difficult to observe that she was forced to consume those pills.

7. The other allegations in respect of section 498-A are particularly directed against the Applicant's uncle, aunt and parents and other family members. The FIR indicates that after the marriage when the couple started residing with the Applicant's uncle and aunt, she was harassed by the Applicant's uncle and aunt and at that time, the Applicant was residing at different place in a different society. This does indicates that the Applicant wanted to protect her from harassment at the hands of

his relatives. This circumstance is in favour of the Applicant. Similarly, there is considerable force in the submissions of learned counsel for the Applicant that the Applicant had lodged his FIR on 15/08/2021 and thereafter the present complaint is lodged by his wife on 25/08/2021. Therefore it can be a counterblast to the complaint lodged by the Applicant at the earlier point of time. In this view of the matter, custodial interrogation of the Applicant is not justified. He can be protected by way anticipatory bail. It is made clear that all these observations are only for the purpose of passing of this order. The trial court shall not be influenced by these observations while deciding the trial, if any.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.443/2021 registered with Jat Police Station, Sangli, 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 cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)