

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.1180 OF 2022
WITH APPLN/3175/2022**

Mr. Kshitij Ravindra Satpute
Age : 32 yrs, Occu. Service
R/at : Flat No.201, Building No.-B,
Shri Gopal Residency, Shankar Nagar Road,
Near Sudarshan Building,
Amravati-444 606. ...Applicant

VERSUS

The State of Maharashtra
Through Jawahar Nagar Police Station,
Aurangabad. ...Respondent

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Mr. Pavan P. Uttarwar, Advocate for the Applicant.
Mr. K.S. Patil, APP for the Respondent-State.
Mr. Kuldip S. Kahalekar, Advocate for Complainant.

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CORAM : S.G. MEHARE, J.

DATED : 28th SEPTEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State with learned counsel for the complainant.
2. The complainant is an educated wife. Their marriage was performed in the year 2015. Sufficient ornaments and articles were given to her in the marriage. At the time of the marriage, she was a Software Engineer in Mumbai. The applicant demanded her money; therefore, her parents paid Rs.25 lacs to the applicant, and the flat was purchased in the joint name. In the year 2016, she learnt that the applicant was addicted to obscene websites and was trying to do

similar sex with her. She requested him to leave these habits, and at that time, he told her that she should also make such habits. When she refused, the applicant was pressuring her. In some and substance, it is the allegation against the applicant that he had bad habits of sex and was trying to involve the complainant in such activities. The applicant was demanding her money from time to time. She shifted to Uruguay for a job, and then the applicant went there as her dependent. Again he started forcing her to have obscene sex. She was opposing him. He was pressurizing to defame her that she had extramarital relations. The complainant could not tolerate the inhumane treatment; hence, she disclosed first time his behaviour in the year 2021 to her relatives. Then they returned to India. She did not join his company, but in the year 2021, her mother-in-law had to undergo surgery; hence, she was again called to Amravati. She was forced to join the company of the applicant. Since their relations were strain, they had decided to have a mutual divorce; however, he denied to pay alimony to her. He has retained her Stridhan. On the basis of this report, a present crime has been registered against the applicant.

3. Learned counsel for the applicant has vehemently argued that the false allegations have been levelled in the FIR. The applicant and the complainant had decided to have a mutual divorce. Hence, they have a written memorandum of understanding. The property was transferred to the applicant by a registered sale deed. However,

the complainant changed her mind and started demanding a heavy amount of alimony. After agreeing to file a mutual divorce, she has made wild allegations against the applicant. A legal notice was also issued to her through a lawyer. She turned from her own words. The applicant never ill-treated nor asked her for obscene sex. He did not commit any offence as alleged. Hence, he may be granted anticipatory bail.

4. Learned APP has strongly opposed the application contending that *prima facie*, the allegations are serious. Stridhan is to be recovered from the applicant. Therefore, custodial interrogation is essential.

5. Learned counsel appearing for the complainant has vehemently opposed the application contending that the complainant had lodged a report in detail, which was running in around 9 pages. However, the police told her that they would not accept such a long report and extracted its summary ignoring the serious allegations. When she learnt about it, she made a complaint of the police to the Commissioner of Police, Aurangabad. The Office of the Commissioner of Police promised her to take appropriate action, but to date, no action has been taken. He has vehemently argued that the applicant is a member of Adulthub.com and Fatelife.com, which are paid porn websites. The applicant has uploaded her obscene photographs on that websites. The applicant also took the complainant to Mulund

Estate near Kelkar Colony in one apartment for swapping. When she was taken, she did not know about the intention of the applicant that she would have to do sex with another person. When she went there, he started touching another woman. He offered her a drink. She lost her sense. One person came close to her. As she was partially conscious, she could not forcefully oppose him. Then he did sex with her. That program was recorded on camera. She had a serious apprehension that applicant had uploaded her obscene pictures on that websites. It was harmful to her future life. Though the applicant has created an impression that it was a case of difference of opinion, and the complainant denied having a mutual divorce, the truth is different. There are serious reasons to separate from the applicant. He has also relied on the case of Manjeet Prakash and Ors Vs. Shobha Devi and Anr, AIR 2008 Supreme Court 3032 and argued that the Hon'ble Apex Court had laid the points for consideration for granting bail. Relying on case law, he has prayed to dismiss the application.

6. Perused the papers produced by the learned counsel for the applicant and learned APP for the State. The complainant had serious allegations against the applicant. She has given a detailed report in writing to the police. But the police did not reproduce the said report in FIR. It appears that some portions of her report have been extracted by the police, and the crime has been registered. The incidents mentioned in the detailed report were from 2016-17; she

did not make complaints against the applicant. However, the contents of her FIR reveal that she was respecting the marriage and expecting that a day would come the applicant would be normal. She did not prefer to make the bad past of her life public and decided to get a mutual divorce. But the applicant made misdeeds again by uploading her naked pictures on the above-paid websites. This appears to be a genuine reason to deny the mutual divorce. Her apprehension of pressuring her in future and using her naked pictures for pornography seems reasonable. The specific allegations have been levelled against the applicant that he has retained her Stridhan. That is also required to be recovered. For that purpose, the custodial interrogation of the applicant is essential. So far as the law laid down by the Hon'ble Supreme Court in the case of Manjeet Prakash (cited supra), it is settled law that the gravity of the offence, danger to the life of the victim or any witnesses are the grounds to deny the bail. The delay caused in making the atrocities public can be well considered on merit. Apparently, the allegations levelled against the applicant are serious and grave. For the above reasons, the custodial interrogation of the applicant is essential. Hence, the application stands dismissed.

7. Criminal Application No.3175 of 2022 is allowed.

(S.G. MEHARE, J.)