

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

ANTICIPATORY BAIL APPLICATION NO.212 OF 2022

Sunil S. Wadkar Applicant
Versus
The State of Maharashtra Respondent

Mr. Advait Helekar, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 27th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.1292/2021 registered at Virar Police Station, Virar on 22.12.2021 under Sections 380, 427 of the Indian Penal Code.

2. Heard Shri Advait Helekar, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Swati Bhoir on

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by
PRADIPKUMAR
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22.12.2021. She has stated that she is working with Highway Hospital, Virar as Medical Director since 2014. She developed love affair with the applicant. The informant and the applicant were staying together in live-in relationship. In 2020, there was dispute between the informant and the applicant and, therefore, the informant started residing in the room at Highway Hospital. On 24.11.2021, there was some incident between the informant and the applicant. Therefore, the informant lodged C.R. No.1143/2021 at Virar police station against the applicant under Sections 354, 323, 504 of IPC. The informant came back to her room at 11:50 p.m. after registering her FIR. It is her case that, at that time the applicant and his wife broke the lock of her cupboard and threw away her valuable articles outside the hospital. The informant realized that she had lost her gold chain, nose ring and silver painjan. On this basis, the FIR is lodged. The total value of her lost valuables was Rs.45,000/-, including some cash amount.

4. Learned counsel for the applicant submitted that

the incident had allegedly taken place on 24.11.2021 and the FIR is lodged on 22.12.2021. There is a delay of about a month in lodging the FIR. No plausible explanation is offered by the informant and, therefore, it is obviously an afterthought. He submitted that it has to be viewed in the backdrop of the strained relationship between the informant and the applicant.

5. Learned counsel submitted that the co-accused Aarti Wadkar is already granted anticipatory bail in this case. Therefore, on the ground of parity also the applicant deserves the same protection.

6. Learned APP opposed this application based on the averments made in the FIR. She, however, fairly conceded that the investigation has not revealed that there was any eye witness to the incident or that any CCTV footage showing involvement of the applicant was available.

7. I have considered these submissions. The co-accused Aarti Wadkar, who is supposed to have played similar role, is already granted anticipatory bail. Therefore, on the

ground of parity also the applicant deserves the same protection.

8. Apart from that; there is considerable substance in the submission of learned counsel for the applicant that there was unexplained delay in lodging of the FIR. If the incident was true, then, there was no reason for the informant not to have approached the police station immediately; particularly when on the same day she had already visited police station for lodging of the earlier FIR in respect of earlier incident.

9. Apart from that after sufficient investigation, no eye witnesses are found and there is also no CCTV footage available showing involvement of the present applicant. The relationship between the informant and the applicant is already strained. Therefore, this FIR could be a result of suspicion entertained by the informant. However, at this stage, nothing more can be observed. This issue is best left to be decided during the investigation and the trial. The applicant has, however, sufficiently made out a case for protection of anticipatory bail.

10. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.1292/2021 registered with Virar Police Station, Virar, the applicant is directed to be released on bail on his furnishing a 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) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)