

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.370 OF 2021
IN
ANTICIPATORY BAIL APPLICATION (ST) NO.4970 OF 2020

Varsha Mandar Salvi @ Varsha .. Applicant
Jagdish Bhoir

Versus

Mandar Ganesh Salvi & Anr. .. Respondents

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Mr.R.V.Gupta/Mr.Salman Anwar Shaikh for the Applicant.

Ms.Sushma T. Mishra for the Respondent No.1.

Ms.S.S.Kaushik, A.P.P. for the State/Respondent.

API Shri K.R. Patil attached to Narpoli Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 07th MARCH, 2022

P.C:-

1. Heard the learned counsel for the applicant, the learned APP for the State and the learned counsel for respondent No.1.

2. By the present application, the bail granted to the applicant's husband i.e. respondent No.1 on 25/11/2020 (Anticipatory Bail Application (St) No.4970 of 2020) is sought to be cancelled on the ground that the relevant material was withheld from the Court, which prompted the Court to release

respondent No.1 on bail by making observations in paragraph 3 of the order.

3. On perusal of the order dated 25/11/2020, it can be seen that as far as the alleged offence under Section 377 of the IPC is concerned, a reference has been made to detailed notice issued by the applicant on 07/09/2020, which runs into 18 pages and which does not contain any allegations in connection with Section 377.

As far as the allegations under Section 498-A, 323, 354 read with Section 34 of the IPC are concerned, on consideration of the facts of the case, a *prima facie* opinion is recorded that the crime registered at the instance of the wife (applicant) is an afterthought, to counter the claim of dissolution of marriage made by the husband in the Family Court. Recording that no custodial interrogation is warranted, the husband(respondent No.1) was released on bail.

4. The detailed complaint filed by the complainant/wife dated 25/09/2020, resulted in registration of the FIR invoking the relevant sections.

The learned APP states that the investigation is complete and the charge-sheet is filed. In the wake of the subsequent development and a *prima facie* case recorded by this Court while releasing respondent No.1 on bail, I do not think that this Court was misled or the relevant material was withheld, which prompted the Court to exercise its discretion while releasing respondent No.1 on bail.

5. In the wake of the above, the application is rejected. Needless to state that all these factors, which are placed before this Court while seeking cancellation, can be pressed into service by the applicant during the trial.

(SMT. BHARATI DANGRE, J.)