

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.526 OF 2022**

Bhushan Dyaneshwar Karale	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Sanjay Bhojwani, for Applicant.
Ms. M.R.Tidke, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 16th JUNE, 2022

P.C.

1. Heard the learned Advocates for the parties.
2. This Application is preferred by the Applicant seeking pre-arrest bail in connection with C.R.No.14 of 2022 registered with Sahakar Nagar Police Station, Pune for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.
3. The Applicant is the husband of the first informant, who lodged a report with the allegations that the Applicant, his parents and sister subjected her to cruelty by questioning her fidelity and in order to coerce her to meet an unlawful demand of money. It was further alleged that the Applicant deprived the first informant of martial cohabitation.
4. By an order dated 17th May, 2022, this Court directed that no coercive steps be taken against the Applicant.

5. The learned Advocate for the Applicant submitted that even if the allegations in the FIR are taken at par, the offence punishable under Section 498A of the Indian Penal Code, cannot be said to have been, prima facie, made out. It was further submitted that the dispute arose as the first informant has taken a sum of Rs. 23 Lakhs from the father of the Applicant and in respect of which, FIR was lodged by the father of the Applicant for cheating and criminal breach of trust.

6. I have carefully perused the allegations in the FIR. The allegations in the FIR are of general nature. Even if the allegations are taken at par, to facilitate further investigation, the custodial interrogation of the Applicant does not seem warranted. Moreover, the offences appear to have their genesis in matrimonial dispute. Financial transactions also seem to have contributed to the escalation of the dispute between the parties. The Applicant appears to have roots in Society. Possibility of fleeing away from justice and tampering with evidence seems remote.

7. I am, therefore, persuaded to exercise the discretion in favour of the Applicant. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) In the event of the arrest of the Applicant – Bhushan Dyaneshwar Karale in connection with C.R.No.14 of 2022 registered with Sahakar Nagar Police Station Pune, for the offences punishable under Sections 498A, 323, 504, 506 read with

Section 34 of the Indian Penal Code, 1860 he be released on bail on furnishing a PR bond in the sum of Rs.20,000/- and one or two sureties in the like amount.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the prosecution witnesses.

(iv) The Applicant shall attend the concerned police station as and when directed by the Investigating Officer.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(N.J.JAMADAR, J.)