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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.597 OF 2022

Navnath Ramchandra Bhosale & Anr. Applicants
Versus
The State of Maharashtra Respondent

Mr. Veerdhaval Kakade for the Applicants.
Ms. M.R. Tidke, APP for the State.

CORAM : N.J. JAMADAR, J.
DATE : 4th JULY, 2022

PC. :

1. Heard the learned counsel for the applicants and the learned APP for the state.
2. This is an application for pre-arrest bail in connection with CR No.51 of 2022, registered with Vadgaon Police Station, for the offences punishable under Sections 324, 323, 452, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (the "Penal Code").
3. The first informant lodged a report with the allegations that on 04.02.2022 at about 5.30 p.m., his wife Rupali was found speaking with Applicant No.1 - Navnath Bhosale. When the first informant confronted Applicant No.1, he started abusing him on the ground that the informant assaulted Rupali. Rupali allegedly threw chilli powder on the face and head of the first informant. Thereafter in late evening, at about 10.00 p.m., Applicant No.1 and Tushar Lad, brother of Rupali again entered into

his house and assaulted him by means of kick and fist blows. Hence, the report.

4. This Court having regard to the aforesaid nature of accusation, was persuaded to direct not to take any coercive steps against the applicants subject to the condition of reporting to the Investigating Officer and cooperating with the investigating agency.

5. The learned counsel for the applicant submitted that in the intervening period, the applicant and the first informant have amicably resolved their disputes. The genesis of the alleged occurrence was in the matrimonial dispute between the first informant and his wife. The said matrimonial dispute has also been resolved and the first informant and his wife are cohabiting together. The first informant appeared before this Court. He submitted that the dispute has been resolved.

6. I have perused the allegations in the first information report. It appears that the marital discord between the first informant and his wife Rupali was the principal cause for the dispute between the parties. In any event, apart from the offence punishable u/s.452 of the Cr.PC., rest of the offences are bailable.

7. In the aforesaid view of the matter, to facilitate effective investigation, custodial interrogation of the applicant does not seem warranted. I am, therefore, inclined to make the interim order of pre-arrest bail absolute, on the terms and conditions incorporated therein. Hence, the following order.

ORDER

- (i) The application stands allowed.

- (ii) In the event of arrest of the applicants in CR No.51 of 2022, registered with Vadgaon Police Station, they be released on bail on executing a PR Bond in the sum of Rs.15,000/- each and one or two sureties in the like amount.

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

- (iv) The applicants shall cooperate with the investigation and report to the concerned investigating officer as and when directed.

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

(N.J. JAMADAR, J.)