

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3047 OF 2022

Sunny Subhash Khobare

...Applicant

vs.

The State of Maharashtra

...Respondent

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Mr. Sanjeev P. Kadam, a/w. Ms. Varsha M. Thorat, Mr. Yash Tayde and Mr. Pratik Deshmukh, i/b. Sandeep Salunkhe, for the Applicant.

Mr. A.A. Palkar, APP, for Respondent/State.

Mr. V.M. Gaikwad from Daund Police Station present.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 21 NOVEMBER 2022

P.C.:

The Applicant herein has filed this application under Section 438 of Criminal Procedure Code apprehending his arrest in Crime No. 32 of 2019 registered with Daund Police Station, Pune for offences under Sections 376, 498A, 323, 504, 506 read with 34 of Indian Penal Code.

2. Heard Mr. Kadam, learned Counsel for the Applicant and Mr. Palkar, learned APP for the State. I have perused the records and considered the submissions advanced by learned Counsel for respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report dated 12 January 2019 lodged by the prosecutrix. The prosecutrix is the sister-in-law of the Applicant. The records reveal that there is matrimonial dispute between the prosecutrix and her husband. Attempts to resolve the dispute amicably have failed. The prosecutrix had lodged a complaint on 16 July 2018 alleging that her husband and his family members, including the Applicant herein, had assaulted and abused her for not meeting unlawful demand of dowry. Subsequently on 12 January 2019, she lodged another complaint alleging that she was raped by the Applicant in the month of March 2018. These accusations do not find place in the earlier complaint lodged on 16 July 2018.

4. In the previous application for pre-arrest bail, the Applicant was granted interim bail with directions to report to the Investigating Officer. Learned APP concedes that pursuant to the said order, the Applicant reported to the concerned Officer and has been duly interrogated. The application for pre-arrest bail subsequently came to be dismissed on merits on 24 June 2019. It is stated that even after dismissal of the said application, the Applicant was not arrested. Learned APP states that the investigation is completed and charge-sheet has been filed. Learned APP makes a statement that the presence of the Applicant is not required for the purpose of interrogation.

5. Considering the above facts and circumstances, the application is allowed, subject to the following terms and conditions :-

- (a) In the event of arrest of the Applicant in C.R. No.32 of 2019 registered at Daund Police Station, Pune, he shall be released on bail on furnishing bail bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount ;
- (b) The Applicant shall report to the Investigating Officer as and when required;
- (c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The anticipatory bail application is disposed of.

(ANUJA PRABHUDESSAI, J.)