

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.578 OF 2022

Padmesh S/o Vishnu Thakre

Versus

State of Maharashtra, through P.S.O., P.S. Ajni, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Kshitij Jain, Adv. h/f Shri S.S. Dhengale, Adv. for the applicant.
Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 18/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.377 of 2022, registered with Police Station Ajni, District: Nagpur, for the offences punishable under Sections 377, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act, 1961.

2. The learned counsel for the applicant submits that the applicant is the husband of the complainant and the allegations made in the First Information Report (FIR) are exaggerated version. Whereas, nothing so happened as alleged but to falsely implicate the applicant, the said FIR, came to be lodged.

3. It is submitted that the FIR is the outcome of the matrimonial discord. It is further submitted that looking at the allegations made in the FIR, the custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that, considering the medical report which support the case of the prosecution, this Court may not grant bail to the applicant. Accordingly, he prays for rejection of the application.

5. I have perused the Case Diary and the FIR.

6. The applicant is the husband of the complainant and *prima facie* it appears that the FIR is the outcome of the matrimonial discord. The medical report of the complainant does not fully support the prosecution case. Moreover, looking at the allegations made in the FIR, and the relations of the applicant and the complainant, I am of the opinion that, custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

a) The criminal application is **allowed**.

- b) Order passed by this Court on 02.08.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station on 29th, 30th and 31st of August, 2022 which shall be considered as deemed custody for the purpose of recovery of mobile phone of the applicant.
- c) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]