

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1625 OF 2022

Anand Narayan Doiphode

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. Uttam B. Bondar, Advocate for the Applicant
Ms. R.P. Gour, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 222 of 2022 registered with Kingaon Police Station, District Latur for offences punishable under sections 376, 377, 498-A, 323, 504, 506, 109 and 114 of the Indian Penal Code.

2. FIR is lodged by wife of the applicant alleging that her marriage with applicant was solemnized on 29/10/2020. For about 4 months, she was treated properly and when she remained pregnant, the applicant and her in-laws asked her to abort the child. She was subjected to ill-treatment. The applicant subjected her to unnatural sex.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. According to the applicant, since the applicant was insisting for divorce, these false allegations are levelled against him and his family members. The applicant has filed divorce petition on 29/08/2022. On 16/09/2022, notice in the said divorce petition was served on the informant, and thereafter, present FIR making false allegations is lodged.

5. Learned Additional Public Prosecutor, on the other hand, pointed out application dated 07/06/2022 submitted by the informant to the *Bharosa* Cell, and submits that allegations of unnatural sex are also levelled by the informant in that application.

6. Considering the matrimonial dispute between the informant and applicant, and the fact that the applicant has co-operated in the investigation and applicant's medical examination is conducted and as the investigation is almost complete, pre-trial custodial detention of the applicant is not warranted in the facts of the present case.

7. The application is, therefore, allowed by confirming the interim protection.

8. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane