

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1017 OF 2023

Girish Gorakhnath Patil

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Vikrant Phatak for the Applicant.

Ms. A.A.Takalkar, APP for the State.

Poice Naik Mr. Katke from MIDC Police Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 10th APRIL, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.625 of 2022 registered with MIDC Police Station for offences under Section 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code.

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

3. The marriage of the first informant and the Applicant herein was solemnized on 25.05.2014. The first informant has alleged that she was treated well for some days, and thereafter the Applicant and his family

members subjected her to mental and physical cruelty for not meeting their unlawful demand of dowry. She claims that the Applicant and his family members sent her to her matrimonial home prior to lockdown and that they have refused to allow her to cohabit. She has also alleged that the Applicant is having illicit relation with other woman.

4. The material on record prima facie indicates that in view of the matrimonial dispute between both the parties, the first informant has been staying at her parental home since the year 2019. The FIR has been lodged in the year 2021 in respect of the incident which had occurred in the year 2014. Considering this aspect, as well as the nature of the accusations levelled against the Applicant, in my considered view, this is a fit case for exercising discretion under Section 438 of Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.625 of 2022 registered with MIDC Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for two days

on 13th and 14th April, 2023 between 11.00 a.m. to 2.00 p.m., and further as and when required by the Investigating Officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)