

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1964 OF 2023

Ashish Satish Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Piyush Toshnival with Mr. Nilabh N. Toshnival i/by
Mr. Gaurav Nankar for the applicant.

Mrs. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 14, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.376 of 2023 dated 29 May 2023 registered with Karveer Police Station, Kolhapur for the offences punishable under Sections 377, 498, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. Prosecution story in brief is that the complainant lodged a complaint on 29 May 2023 stating that she married with the accused Ashish Satish Jadhav on 15 May 2015 at Kolhapur. After marriage she went to cohabit with her husband at Bangalore. Satish Jadhav is her father-in-law, Triptu Jadhav is her mother-in-law, Anup is brother-in-law, who are residing together. After few months of marriage, she came to know that her husband had affair

with some other girl. She informed about it to other family members but they neglected. In November 2015 at Diwali festival the complainant came to her parental home. Her husband also came there. That time, she asked him about his affair with other girl and at that time accused abused and beat her. After 4-5 days they returned to Bangalore. Her husband and others were insulting and annoying her on different grounds. Her husband while maintaining sexual relation with her was taking care that she will not be conceived. In June 2021 he brought one sex tool and inserted the same in her private part. The accused committed unnatural act with her causing trouble to her. Then she was fed up with the things, she returned back to her parent's home on 27 September 2022. She was in hope that there will be change in behavior of the accused and therefore she did not lodge any complaint. Ultimately she lodged the first information report. On that basis crime is registered against all four persons.

3. On perusal of the report and material on record, it appears that the alleged incident occurred in the month of June 2021. Informant left matrimonial home on 27 September 2022 and the report was lodged on 29 May 2023.

4. Considering the nature of allegations, custodial interrogation of the applicant is not necessary. Considering the nature of offence alleged against the applicant and the relationship of husband and wife between the applicant and informant and delay in lodging report, prima facie case for grant of relief is made out. Hence, following order:

- a) In the event of arrest of the applicant in connection with C.R. No.376 of 2023 dated 29 May 2023 registered with Karveer Police Station, Kolhapur for the offences punishable under Sections 377, 498, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, he be released on bail on furnishing PR. Bond in the amount of Rs.25,000/- with one or two sureties in the like amount;
- b) The applicant shall remain present before the investigating officer on 17, 19 and 21 July 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

5. The anticipatory bail application stands disposed of accordingly. No costs.

(AMIT BORKAR, J.)