

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

ANTICIPATORY BAIL APPLICATION NO. 864 OF 2023

1. Sopan Eknath Jamdade
2. Rohini d/o. Eknath Jamdade ..Applicants

v/s.

The State of Maharashtra .& Anr. ..Respondents

Ms. Rashmi Bhandarkar a/w. Rajendra Tajane for the Applicant.
Mr. Siddharth Wakode a/w. Vishal Kolekar for the Intervenor.
Mr. Shrikant Yadav, APP for the State.
Suraj Raut, API, Dindoshi P.Stn. present

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 23rd MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.322 of 2022 and 859 of 2021 registered with Dindoshi Police Station for offences under Section 323, 324, 354, 427, 504, r/w. 34 of the Indian Penal Code.

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

3. The records reveal that there is matrimonial dispute between the Applicant No.2 and her husband Jitesh Mohite. The first informant-

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mother-in-law of the Applicant No.2 had lodged the FIR on 28.12.2021 alleging that the Applicants herein had abused and assaulted her. She has stated that the Applicant No.1, who is the brother of the Applicant No.2 had torn her saree blouse and outraged her modesty.

4. The anticipatory bail application filed by the aforesaid Applicants was allowed by the Sessions Court, by order dated 13th January, 2022. One of the conditions imposed on the Applicants was to report to Dindoshi Police Station on every Saturday and Tuesday between 11.00 a.m. to 1.00 p.m. till 12.2.2022. The Intervenor filed an application alleging that the Applicants had not reported to the police and sought cancellation of bail. The learned Sessions Judge canceled the bail mainly on the ground that both the Applicants had breached the conditions of the bail order by not reporting to Dindoshi Police Station.

5. Learned APP fairly concedes that the Applicant No.2 had reported to the police station and had not breached any of the conditions of the bail order. Learned APP further states that the Applicant No.1 is working in Navy. He had not reported in the month of January, but had sent a letter expressing his inability to report to the police station in the month of January due to exigencies of work. Learned APP states that he attended the police station in the month of February and that he was duly interrogated. In such circumstances, the learned Sessions Judge was

not justified in canceling the bail. The impugned order is arbitrary and illegal and cannot be sustained. Accordingly the impugned order is set aside. Learned APP states that the chargesheet is likely to be filed within two weeks. The bail order dated 13.01.2022 shall continue to operate as against these Applicants.

6. The Application stands disposed.

(ANUJA PRABHUDESSAI, J.)