

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

ANTICIPATORY BAIL APPLICATION NO. 902 OF 2023

Pankaj Sadashiv Chaudhary	...Applicant
Versus	
State of Maharashtra	...Respondent

Ms. Supriya Kak, i/b Nilesh Kumbhar, for the Applicant.
Mr. R. M. Pethe, APP for the State.
API C. C. Thorbole, Hadapsar Police Station, Pune, present.

CORAM: N. J. JAMADAR, J.
DATED: 20th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This application is preferred for pre-arrest bail in connection with CR No.1435 of 2022, registered with Hadapsar Police Station, Pune, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant is the wife of the applicant. It seems that the marital life of the applicant with the first informant was afflicted with discord. Alleging physical and mental cruelty by the applicant, the first informant lodged the report against the applicant and his relatives.

4. By an order dated 27th March, 2023, this Court was persuaded to grant interim protection. The Court was informed on 17th August, 2023 that the first informant is not traceable. The learned APP, on instructions, submits that the first informant could not be traced during the intervening period as well.

5. The learned Counsel for the applicant submitted that, in fact, the applicant and the first informant filed an application for divorce by mutual consent before the Family Court at Pune on 18th August, 2022. Evidently, the genesis of the offences is in the matrimonial dispute. From the perusal of the allegations in the first information report, it does not appear that the custodial interrogation of the applicant is warranted to facilitate further investigation.

6. In view of the above, I am inclined to exercise the discretion in favour of the applicant with a direction to the applicant to attend the police station to facilitate the search of the first informant.

7. Hence, the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.1435 of 2022, registered with Hadapsar Police Station, Pune, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Hadapsar Police Station on every Saturday in between 10.00 am. to 1.00 pm. for a period of two months.
- (iii) The applicant shall not tamper with the prosecution evidence and give threat or inducement to the first informant and any person acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]