

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.947 OF 2023

Rishikesh Gopal Bhongale	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Dr. Uday P. Warunjikar i/by Ms. Sonali R. Chavan for the applicant.

Ms. Rutuja Ambekar, APP for the respondent No.1/State.

Mr. Shriram S. Kulkarni with Mr. Tushar Kale and Ms. Nirjala Mishra for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : JULY 7, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.0037 of 2023 registered with Hinjewadi Police Station, Pune for offences punishable under section 498A, 323, 427, 504 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, marriage between the informant and the applicant was performed in August 2002. They have child. Due to their matrimonial dispute, there are allegations of assault and physical harassment to the applicant. According to the informant, fixed deposit receipts of Rs.10,00,000/- were jointly

kept by the applicant and the informant for the benefit of education of their son. However, the applicant withdrew the amount of fixed deposit and has utilized it for the purpose of creating new fixed deposit receipts.

3. On overall perusal of the report and material on record, it appears that the matrimonial dispute between the applicant and the informant has resulted in registration of report. Considering the allegation in the report, custodial interrogation of the applicant is not required. However, considering the fact that the fixed deposit receipts were kept for the welfare of the child, the child's interest can be taken care of by imposing appropriate condition. Hence, following order:

- a)** In the event of the arrest of the applicant in connection with C.R. No.0037 of 2023 registered with Hinjewadi Police Station, Pune for offences punishable under section 498A, 323, 427, 504 of the Indian Penal Code, 1860, he be released on bail on furnishing PR Bond in the sum of Rs.25,000/- along with one or two sureties in the like amount.
- b)** The applicant shall cooperate with the investigation as and when called for.
- c)** The fixed deposit receipts of ICICI bank of Rs.10,50,000/- along with accrued interest in the name of applicant shall be utilized only for the benefit of their child. After the applicant utilized the amount for the benefit of child, he shall ensure that appropriate documentary evidence

to indicate use of amount for the benefit of child shall be submitted to the Trial Court.

4. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)