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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1129 OF 2023

Ankitkumar Dubey

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Bharat Gadhavi, Pratik Sabrad i/b Tejesh Dande and Associates
for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 8TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. The Applicant is brother-in-law of the **first informant-Pranjali Abhay Dubey**. The only allegation in the FIR against him is that he was about to take photo with the help of mobile when the first informant was taking bath. Apart from the Applicant, there are also other accused persons which contain husband, father-in-law and other relatives of the first informant. The first informant married Abhay Santosh Dubey, on 12th May 2022. After marriage, she joined her husband for cohabitation at village Achole. However, she

was not comfortable and her in-laws, husband and other relatives harassed her on account of dowry and other reasons. The husband is handicap person and he is not doing any job. There is also allegation of having relationship expressed by the father-in-law against the first informant. The offence is registered under sections 376, 377, 498-A, 354-A, 354-D, 406, 504 of IPC. It is dated 23rd January 2023.

3. This Court has granted anticipatory bail to Santosh Dubey/father-in-law of the first informant in Anticipatory Bail Application No.550 of 2023, and also granted anticipatory bail to Babita Dubey/sister-in-law of the first informant. Furthermore, the husband is released on regular bail by the Sessions Court. The bail is asked on the ground of parity. I have read papers.

4. I find that benefit of parity can certainly be granted to the Applicant. There are general allegations against the sister-in-law/Babita. Whereas there is specific allegation against father-in-law/Santosh Dubey. There is only allegation of an attempt to take photo of the first informant when she was taking bath.

5. Learned APP invited my attention to willingness expressed by the Applicant before the Court of Additional Sessions Judge that is

reflected in para 9 and 10 of the order.

6. Today, also learned Advocate for the Applicant submitted that his client will cooperate with police by producing mobile handset. Considering this, the Applicant can be granted anticipatory bail. Hence, the following order is passed :

O R D E R

- (a) In the event of arrest, in connection with C.R. No.43 of 2023, registered on 23rd January 2023, with Achole police station for the offences punishable under sections 376, 377, 498-A, 354-A, 354-D, 406, 504 of IPC, the Applicant-Ankitkumar Dubey be released on bail on furnishing personal bond and surety bond of Rs.25,000/-, with one or more surety in the like amount.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant give attendance to Achole police station on 19th June 2023, and 26th June 2023, and thereafter as and when called.
- (d) Statement made by the Applicant to produce mobile handset to

the police is accepted as an undertaking to this Court. The police are at liberty to do the needful.

- (e) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.

7. Application is disposed of accordingly.

8. These are my prima facie observations and the trial Court may not be influenced by that.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]