

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1484 OF 2022

Bherulal Govind Joshi	...Applicant
vs.	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1462 OF 2022

Sunil Bherulal Joshi	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Alankar Kirpekar a/w. Ms. Lalita Rajguru, Mr. Piyush Tiwari
i/b. Lalita Rajguru, for the Applicant
Mr. S.H. Yadav, APP, for the Respondent/State.
Mr. Vinayak Jadhav, API, Naya Nagar police station.

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 26, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 213 of 2023 registered at Naya Nagar police station for the offences punishable under sections 376 and 498-A and 384 of Indian penal Code, 1860.
3. The applicant in ABA No. 1484 of 2022 is the father in law of the first informant. The applicant in ABA No. 1462 of 2022 is her husband. In ABA No. 1484 of 2022, by an order dated 7th June,

2022 this Court was persuaded to grant interim protection ascribing reasons. The applicant in ABA No. 1462 of 2022 was also granted interim protection by an order dated 13th June, 2022. Both the applicants have attended the police station and cooperated with the investigation.

4. So far as the applicant in ABA No. 1484 of 2022, the allegations are of illtreatment and sexual assault. While granting interim bail, this Court had adverted to the aspects of delay and the element of probability. Those reasons also weigh with the Court, in making the order of interim bail absolute.

5. So far as the applicant in ABA No. 1462 of 2022 the allegations are primarily of matrimonial cruelty. I am, therefore, inclined to make the order of interim bail absolute qua Sunil Joshi as well.

6. The order of interim bail dated 7th June, 2022 qua the applicant Bherulal Joshi (ABA No. 1484 of 2022) is made absolute on the terms and conditions incorporated therein.

7. The order of temporary bail dated 13th June, 2022 qua the applicant Sunil Joshi (ABA No. 1462 of 2022) is made absolute on the terms and conditions incorporated therein.

8. The applicants henceforth shall appear before the investigating officer as and when directed.

9. The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

10. The applicants shall regularly attend the proceedings before the jurisdictional Court.

11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Applications disposed.

(N. J. JAMADAR, J.)