

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

ANTICIPATORY BAIL APPLICATION NO. 1513 OF 2023

Kondiba Chandrakant Ingle
Alias Anand Chandrakant
Ingle

...Applicant

vs.

The State of Maharashtra

...Respondent

Adv. Ashish Jha i/by Indrajeet Deshmukh and Vishal Dhasade -
Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State
PSI Sanjay Kadam – Padgha Police Station, Bhiwandi

CORAM : S. M. MODAK, J.

DATE : 10th JULY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP. The investigating officer is present.
2. Today matter is fixed for hearing learned Advocate for the Applicant-husband on the point of the allegation removal of the golden rings. In the F.I.R. she has alleged that on 23/03/2022, she was driven out of matrimonial house and four golden rings were removed. The contention of the husband is that this allegation is

false. Even similar allegation is made in application filed as per the provisions of the Protection of Women from Domestic Violence Act in para no. 7. Mr. Jha read over the reply filed therein on the basis of the soft copy.

3. It is true that learned Additional Sessions Judge, Thane has rejected the pre-arrest bail application for the reason that golden rings are to be recovered. It is true that if such allegation is there pre-arrest bail cannot be granted. But when I looked at the allegation from F.I.R., what I find that the said incident took place on 03/07/2022 and F.I.R. is filed on 15/10/2022 and on 03/07/2022 at midnight the Applicant went to the house of the father of the first informant at midnight and kicked the door of the house and also abused, whereas she was driven out of matrimonial house on 23/03/2022.

4. The Applicant-husband has got different version to tell. In fact the first informant was examined in the M/s. Gunjotikar Nursing Home, Solapur on 08/03/2022 and her last menstrual period was 26/01/2022. The case papers are at page no. 47. There are photographs filed of both the spouses and their relatives.

5. The Applicant alleges that the first informant has aborted

child without his consent and he has lodged the complaint at Akkalkot Police Station on 20/09/2022 alleging that first informant has demanded money from him. No supporting documents are filed.

6. Considering the avernments in the F.I.R. and the considering the fact that the F.I.R. is filed belatedly, I feel that interest of the investigating agency can also be secured by putting the condition to the attend the Police Station. There is a notice under Section 41-A of the Criminal Procedure Code. Its copy is there in the investigation papers. Though Applicant has denied. So I am inclined to allow the application. Hence following Order:

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 344 of 2022 registered with Padgha Police Station, Bhiwandi for the offence punishable under Section 498-A of the Indian Penal Code, the Applicant be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
- (iii) Applicant is directed to give attendance to the Padgha Police Station, Bhiwandi on 24/07/2023 and 07/08/2023 from 10.00 a.m. to 12.00 noon and thereafter as and when called.

(iv) Applicant shall not threaten the prosecution witnesses.

7. It is made clear that the these are my prima facie observations.

8. Anticipatory bail application is disposed of in the aforesaid terms.

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

[S. M. MODAK, J.]