

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

**ANTICIPATORY BAIL APPLICATION NO. 2592 OF 2023**

SANTOSH  
SUBHASH  
KULKARNI

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Ankush Dasa Ovhal and anr. ...Applicants  
**Versus**  
The State of Maharashtra ...Respondent

Mr. Vijay Killedar, for the Applicants.  
Mr. M. G. Patil, APP for the State/Respondent.  
Mr. G. H. Karpe, PC, Shikrapur Police Station, present.

**CORAM: N. J. JAMADAR, J.**  
**DATED: 13<sup>th</sup> SEPTEMBER, 2023**

**ORDER:-**

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.739 of 2023, registered with Shikrapur Police Station, Pune, for the offences punishable under Sections 323, 324, 326, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant is the husband of applicant No.2 Chaya. Applicant No.1 Ankush is the father of applicant No.2 Chaya. There were matrimonial disputes. On 19<sup>th</sup> July, 2023, when the first informant and his father had been to the parental home of his wife Chaya, the applicants and co-

accused allegedly abused and assaulted the first informant. His elder brother-in-law Pravin was armed with a spade. Another brother-in-law Shashikant was armed with an iron rod. Shashikant allegedly gave blows by means of iron rod on the face of the first informant. Three teeth were uprooted and first informant sustained bleeding injuries.

4. The learned Counsel for the applicants submitted that in fact in respect of the very occurrence, in which the first informant had abused, insulted and assaulted applicant No.2 Chaya and her relatives, applicant No.1 Ankush had lodged a report on 19<sup>th</sup> July, 2023 itself at CR No.676 of 2023. To give a counterblast, the first informant has belatedly lodged the FIR on 5<sup>th</sup> August, 2023 taking undue advantage of an accidental fall which the first informant had suffered in the intervening period.

5. The learned APP resisted the application by inviting the attention of the Court to the medical papers, which indicate that the first informant was admitted in Sasoon Hospital on 20<sup>th</sup> July, 2023 and was an indoor patient thereat till 29<sup>th</sup> July, 2023.

6. *Prima facie* the medical evidence lends support to the version of the first informant. However, the role of assault by

dangerous weapons is attributed to co-accused Shashikant and Pravin. The genesis of the alleged occurrence is in the matrimonial dispute. The applicants have been roped with co-accused – assailants for having shared the common intention. That aspect would warrant adjudication at the trial.

7. In view the nature of the accusation, especially as regards the assault by dangerous weapons, and the relationship between the parties, I am persuaded to exercise the discretion in favour of the applicants.

8. Hence, the following order:

**: O R D E R :**

- (i) In the event of arrest of the applicants in CR No.739 of 2023, registered with Shikrapur Police Station, Pune, the applicants 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, each.
- (ii) The applicants shall cooperate with the investigation and attend Shikrapur Police Station on every alternate Sunday in between 10.00 am. to 1.00 pm. for a period of one month.

- (iii) The applicants 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) The applicants shall regularly attend the proceedings before the jurisdictional Court.
- (v) 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.]**