

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3101 OF 2022

Adhik Bharat Hipparkar ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Laxman Kalel for the Applicant.

Ms. Veera Shinde, APP for the State.

Ms. Kanchan Pawar for Respondent No.2.

.....

CORAM : N.R. BORKAR, J.

DATED : 31 MARCH 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 520 of 2022 registered at Jath Police Station, for the offences punishable under Sections 323, 498-A, 504, 376(2) r/w. 34 of Indian Penal Code, Sections 4, 6, 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9, 11 of the Child Marriage Prohibition Act, 2006.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the Respondent No.2.

4. On 27 February 2023, this Court passed the following order :

“The basic reason for filing the FIR appears to be matrimonial dispute. The learned counsel for the applicant submits that now it is not possible for the applicant/husband to cohabit with the complainant/wife.

2. The learned counsel for the applicant submits that if the complainant agrees for mutual divorce then applicant is ready to pay her Rs. 2,50,000/- towards permanent alimony.

3. The learned counsel for the complainant on instructions submits that complainant is agreeable to the said proposal subject to the applicant depositing the said amount before this Court.

4. The learned counsel for the applicant on instructions submits that applicant will deposit the said amount within two weeks.

5. Considering the facts and circumstances, the applicant is permitted to deposit Rs. 2,50,000/- before this Court. List the present application on 20 March 2023. By the next date the applicant shall deposit the said amount. Interim order to continue till next date.”

5. The learned Counsel for the applicant submits that pursuant to the above order, the applicant has deposited Rs.2,50,000/- before this Court.

6. The learned Counsel for the applicant submits that the applicant has already filed writ petition for quashing of the first information report. The learned Counsel for the Respondent No.2 on

instructions submits that, respondent No.2 is ready and willing to give consent for quashing of the FIR. Considering the overall facts and circumstances of the case, I am inclined to allow the present application. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant - Adhik Bharat Hipparkar in Crime No. 520 of 2022 registered at Jath Police Station, for the offences punishable under Sections 323, 498-A, 504, 376(2) r/w. 34 of Indian Penal Code, Sections 4, 6, 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9, 11 of the Child Marriage Prohibition Act, 2006, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.
- (iii) Respondent No.2 is permitted to withdraw Rs.1 lakh after disposal of writ petition filed for quashing of the FIR and rest of the amount of Rs.1.50 lakhs after decree of divorce is passed.
- (iv) Application is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date: 2023.05.06
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