

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3316 OF 2022
WITH
INTERIM APPLICATION NO. 4329 OF 2022

Sumit Ashok Tanpure ... Applicant
Versus
The State of Maharashtra and another ... Respondents

AND

ANTICIPATORY BAIL APPLICATION NO. 3180 OF 2022

Amit Ashok Tanpure ... Applicant
Versus
The State of Maharashtra and another ... Respondents

.....

Mr. Rushikesh Barge for the Applicants.
Ms. Rutuja Ambekar, APP for the State.
Ms. Neha Kokare for the Intervenor.

.....
CORAM : N.R. BORKAR, J.
DATED : 5 APRIL 2023

P.C. :-

1. The applicants, who are accused in Crime No.497 of 2022 registered at Baramati City Police Station, for the offences punishable under Sections 377, 354, 498A, 323, 504, 506 r/w. 34 of Indian Penal Code, have filed these applications under Section 438 of Code of Criminal Procedure for grant of anticipatory bail.

2. I have heard the learned Counsel for the applicants, the learned APP for the State and the learned Counsel for the intervenor.

3. The complainant, who is the wife of applicant in Anticipatory

Bail Application No. 3316 of 2022 has alleged ill-treatment at the hands of the applicants and other co-accused on account of demand of money and other articles. There are allegations of unnatural sex against the husband.

4. There appears to be delay in lodging the FIR. The learned Counsel for the complainant/intervenor submits that in such matters nobody immediately rushes to the police station and always attempt is made to save the marriage. However, it is not shown that efforts were made to that effect and then report was lodged. Even otherwise, there appears to be no need of custodial interrogation. Considering the overall facts and circumstance of the case, I am inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

- (i) Applications are allowed.
- (ii) In the event of arrest of the applicants in Crime No.497 of 2022 registered at Baramati City Police Station, for the offences punishable under Sections 377, 354, 498A, 323, 504, 506 r/w. 34 of Indian Penal Code, they shall be released on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.
- (iii) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) The Interim Application stands disposed of.

(N.R. BORKAR, J.)