

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3081 OF 2022**

Ashish Shyam Gaikwad

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

.....

Mr. Shubhangi Parulekar for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Rohan Hogle for the Respondent No. 2.

Mr. Imran Mulani, HC, Khadki Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 23 JANUARY 2023

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 147 of 2022 registered at Khadki Police Station for the offences punishable under Sections 498-A, 377, 312, 354, 497, 324, 323, 504, 506 read with 34 of the Indian Penal Code, Sections 4, 5, 6, 8, 10, 12 of Prevention of Children from Sexual Offences Act and Sections 9, 10, 11 of Child Marriage Act.

3. The Respondent No. 2/victim in the aforesaid crime is the wife of the present applicant. The basic reason for lodging the FIR appears to be

matrimonial dispute, which according to the learned counsel for Respondent No. 2 is now amicably settled. On instructions, the learned counsel for the Respondent No. 2 states that after the release of the applicant, the Respondent No. 2 and the applicant are going to reside together. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 147 of 2022 registered at Khadki Police Station for the offences punishable under Sections 498-A, 377, 312, 354, 497, 324, 323, 504, 506 read with 34 of the Indian Penal Code, Sections 4, 5, 6, 8, 10, 12 of Prevention of Children from Sexual Offences Act and Sections 9, 10, 11 of Child Marriage Act on furnishing PR bond in the sum of Rs. 15,000/- with one surety in the like amount.

(N.R. BORKAR, J.)