

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.3351 OF 2022

Nitish Dattatray Kode ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. R. A. Shaikh a/w Mr. Hasan Sayed & Ms. Swati Margi, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent No.1.

Ms. Racheeta R. Dhuru, for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : JUNE 21, 2023

P.C.:

1. In connection with C.R.No.132 of 2022 registered with Nhava Sheva police station for the offence punishable under Sections 498-A, 323, 500 504 r/w 34 of the Indian Penal Code (for short 'IPC'). The applicant seeking relief under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.).

2. According to the prosecution, marriage between the applicant and the informant was solemnized on 22 November 2020. According to informant, the applicant along with other co-accused physically and mentally harassed her. The applicant recorded her private photos on his cell-phone. He also posted defamatory comments upon the photo of the informant and uploaded on social media. He also assaulted the informant. The

informant lodged a report with the concerned police station. The applicant seeking relief under Section 438 of Cr.P.C approached before learned Sessions Judge. Learned Sessions Judge rejected the application. Aggrieved thereby, the applicant filed present application.

3. The investigating officer who is present in the Court states that the custodial interrogation of the applicant is not required. On perusal of case papers and the material on record, it appears that the custodial interrogation of the applicant is not necessary as the applicant has already hand over the cell-phone to the investigating agency. Learned Advocate for the applicant on instructions of the applicant, who is present in the Court states that gold ring of 1 tola (10 grams) shall be handed over to the informant within tow days from today. It appears that this Court protected the applicant by order dated 2 December 2022. Considering the statement of the investigating officer hence, following order:

- a)** In the event of arrest in connection with C.R. No.132 of 2022 registered with Nhava Sheva police station for the offence punishable under Sections 498-A, 323, 500 504 r/w 34 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.50,000/-, along with one or two sureties in the like amount.
- b)** The applicant shall remain present before the concerned police station on 23rd, 26th and 28th June, 2023 between 11:00 am to 2:00 pm thereafter, as and when called

by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

f) The applicant shall not post any defamatory comments against the victim on social media.

g) All belongings including cloths and golden ring shall be handed over to the victim through investigating officer within 48 hours.

4. The anticipatory bail application stands disposed of.

(AMIT BORKAR, J.)