

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (ABA) NO.868/2022

Ishwar @ Vishal Gangareddy Bacchewar and another vs. State of
Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO.872/2022

Laxmibai w/o Gangareddy Bacchewar vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Firdos Mirza, Advocate for applicants.
Mr. V.A.Thakre, APP for respondent.

CORAM : ANIL L. PANSARE J.

DATE : 17/01/2023

1. Heard.

2. One of the applicants, Ishwar got married to the informant on 16.12.2021. It appears that both Ishwar and informant were married and had marital discord in respect of previous marriage. Both have not obtained divorce as yet, still they thought it appropriate to solemnize marriage and accordingly got married on 16.12.2021. Informant got pregnant. Ishwar suggested to abort child on the ground that the proceedings for divorce with first wife is pending. The informant was not willing to abort the

child. She blames the applicant, his family and the Doctor concerned of forceably obtained her consent to abort child and accordingly the same has been aborted on 21.2.2022. The informant has, however, not lodged any report on that count at the relevant time.

3. The root cause of the FIR appears to be resumption of first wife of Ishwar, who came back to her matrimonial house on 20.10.2022. FIR indicates that immediately upon first wife comes back to her matrimonial house, the applicants have started harassing the informant.

4. Thus, the reason for lodging report is loud and clear. Learned APP submits that serious allegations have been made, one of which is that the applicants have forced the informant to abort child. These allegations will have to look into in context with subsequent statements in the FIR, which indicates that the grievance of the informant commenced on the ground that first wife of Ishwar joined him on 20.10.2022. The FIR is lodged within two days thereafter.

5. On inquiry, learned counsel for the applicants submits that there are no criminal

antecedents. The applicants are residing in their own house. Thus, the applicants have strong roots in the society.

6. Considering the allegations and cause made up for lodging report, it would be appropriate to grant relief to the applicants. Hence, the following order:

(i) Applications are allowed.

(ii) In the event of arrest of the applicants in Crime Nos.0365/2022 registered with Police Station, Mukutban, District Yavatmal for the offences punishable under Sections 313, 498-A read with Section 34 of the Indian Penal Code, they shall be released on bail on their furnishing P.R.Bond of Rs. 15,000/- each with one solvent surety in the like amount.

(iii) The applicant no.1 - Ishwar @ Vishal Gangareddy Bacchewar (in ABA No.868/2022) shall attend the concerned Police Station on alternate Sunday till filing of the charge-sheet and other applicants shall attend the concerned Police Station as and when their presence are required.

(iv) The Applicants shall co-operate with the investigation and make themselves available for interrogation, whenever required.

(v) The Applicants 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 them from disclosing such facts to the Court or any Police Officer.

(vi) The Applicants shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Police.

(vii) The Applicants shall not leave the territory of Yavatmal City without prior permission of the Court, till the trial is over.

(viii) The Applicants shall maintain law and order.

(ix) The Applicants shall, at the time of execution of bond, furnish their addresses and telephone/mobile numbers to the Investigating Officer and the Court concerned, and shall not change their residence till the final disposal of the case.

(x) The Applicants shall regularly attend the court and co-operate the learned trial court to complete the trial for the above offences.

(xi) In case of breach of any conditions, the learned trial court is at liberty to cancel their bail after giving opportunity of hearing to both the sides.

JUDGE

Signed By: MUKUND
LAXMANRAO AMBULKAR
Private Secretary

Signing Date: 18.01.2023 14:38