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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.2008 OF 2023

Dinesh Ramesh Dhimdhome

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mrs. Ashwini Annasaheb Lomte, Advocate for the applicant

Mr. A. R. Kale, APP for respondent - State

Mr. U. A. Sayyed, Advocate for informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.394 of 2023 registered with Ambajogai City Police Station, District - Beed for offence punishable under sections 498-A, 376 (1), 377, 406, 354, 323, 500, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Shubhangi, wife of applicant alleging that her marriage with applicant was performed on 1st June, 2022 and since the date of marriage applicant used to indulge in unnatural sex with her, against her wish. The marriage was settled by

falsely telling that applicant is earning Rs.40,000/- salary per month. In the month of July, 2022, informant went to stay at Pune, along with applicant. He told her that he has lost his job and presently working in a tiles shop. When informant disclosed about the unnatural sex by applicant, to her in laws, they on the contrary harassed her stating that she has to fulfill wishes of her husband. Informant was taken to various doctors with a view to prove that she is mentally unsound and she is not a woman. On 4th July, 2023, she complained to Women's Cell, but her in laws did not appear before the Women's Cell. She, therefore, lodged FIR stating that with a view to obtain divorce, all the in laws conspired together and prepared false medical papers, in connivance with doctor.

3. Heard learned advocate for applicant, learned APP for the State and learned advocate for informant. Perused the papers of investigation.

4. Applicant claims that he has filed divorce proceedings bearing Marriage Petition No. 143 of 2023 in the Court at Ambajogai under section 13 (ia) (ib), 13 (I) (iii) (a) (b) of the Hindu Marriage Act, on 21st June, 2023. After getting knowledge of the said proceedings, this FIR is lodged by informant, making false allegations, so as to give counter blast to the divorce

proceedings.

5. Learned advocate for informant, on the other hand, opposed the application contending that informant was subjected to unnatural sex, time and again, against her wish by the applicant and there was ill-treatment by all the in laws. Only with a view to create record, for obtaining divorce, false medical papers are prepared by applicant and in laws of informant. Since applicant has indulged in commission of serious offence punishable under section 377 of the Indian Penal Code, he is not entitled for anticipatory bail.

6. Learned APP, by relying on the investigation papers, opposed the application.

7. In the divorce proceedings, applicant has claimed that his marriage is not consummated as informant is incapable to perform sex. This fact was suppressed by informant's side at the time of marriage.

8. Considering pendency of matrimonial dispute, false implication of applicant cannot be ruled out at this stage. On going through investigation papers, custodial detention of applicant is not necessary, as nothing is to be recovered from applicant. Application is, therefore, allowed, by confirming

interim protection granted to applicant on 5th December, 2023,
on the same terms and conditions.

[NITIN B. SURYAWANSHI]
JUDGE

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