

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

ANTICIPATORY BAIL APPLICATION NO.123 OF 2024

...Applicant

Yogesh Mohan Bhand
versus

State of Maharashtra and Anr.

....Respondents

Ms. Kirti Ahuja (appeared through V.C.) for the Applicant.

Mr. Swapnil V. Walve, APP for the State/Respondent.

Mr. Rajaram V. Bansode for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th SEPTEMBER 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R, No.338 of 2023 registered of Natepute Police Station, Solapur on 19th October 2023, under Sections 498-A, 354, 323, 504 and 506 r/w 34 of the IPC.
2. Heard Ms. Kirti Ahuja for the Applicant, Mr. Swapnil Walve, learned APP for the State and Mr. Rajaram Bansode learned counsel for the Respondent No.2.
3. The FIR is lodged by the wife of the Applicant. She has

stated that the Applicant is an engineer and is working in a company at Navi Mumbai. She was married with the Applicant on 15th July 2022. At that time, the informant's parents had spent for the expenses. Thereafter, she went to reside in her matrimonial house at Ovala, Thane. For the initial two to three months, she was treated properly. It is her case that she saw objectionable photographs of the Applicant and his female friend. When the informant questioned him, he slapped her. It is alleged that on one occasion the Applicant's sister outraged modesty of the informant. On 26th October 2022, when the informant and the Applicant had gone to her parent's house, the Applicant told her to ask for Rs.50,00,000/- from her father for repaying the loan which he had taken to purchase two flats. When the informant told him that it was not possible as her father had spent sufficiently in their wedding, the Applicant got angry. He abused and threatened her. There are allegations that the Applicant's mother used to taunt her. On one occasion, the Applicant asked her to go to her parents' house and to bring money. The informant was brought back to her matrimonial

house on 27 December 2022. The Applicant humiliated her. It is alleged that the Applicant's mother removed her ornaments forcibly.

4. On 17th February 2023, when the Applicant was talking to his friend on the phone, the informant questioned him. He asked the informant to leave the house, and told her that she should commit suicide so that he would be free. She got angry and went to a lake near her house. After some time, the Applicant came there and took her back to their house. In the mean time, the Applicant falsely told his parents that the informant had left the home without informing him. At that time, his parents had beaten her. On one occasion, the Applicant's neighbor had outraged her modesty. But the Applicant told her to apologize to the neighbor instead of supporting her. On 14th September 2023 she was confined in a room. On 7th October 2023, when the informant wanted some money for her expenses, neither the Applicant nor his father gave her money and threw her out. On this basis, the FIR is lodged.

5. The learned counsel for the Applicant submitted that the allegations in the FIR are not true. Infact, the Applicant himself has given complaints to the Kasarvadavali Police Station on 16th September 2023 and to the Commissioner of Police, Thane on 27th September 2023 showing as to how the informant herself was harassing him. There are allegations in the complaint that she had to take some medical treatment for some issues. After all this, the informant had lodged this false complaint against the Applicant. She further submitted that investigation in this case is over and charge-sheet is already filed. Summons are already issued to the accused and the Trial is to start in January 2025.

6. Learned counsel for the informant submitted that the Applicant was trying to create a false record against the informant by lodging complaints before the Police Authority. He had already filed the proceedings for divorce on 11th October 2023. Therefore, there is no substance in the contention that he is not at fault. The informant was not aware about the filing of the divorce proceedings by the Applicant and she had lodged her

own FIR on 19th October 2023. All the allegations in the FIR are true. Her ornaments were removed. Considering the nature of allegations, the Applicant's custodial interrogation is necessary.

7. Learned APP submitted that the charge-sheet is already filed. The investigation is over.

8. I have considered these submissions. There are allegations and counter allegations made by the Applicant and informant. Investigation in this case is already over. From the nature of allegations mentioned hereinabove, it does not appear that the Applicant's custodial interrogation is necessary in this case, particularly, when the charge-sheet is already filed. The allegations are pertaining to the year 2022. The informant was residing separately from 7th October 2023. Before that, the Applicant had already given his complaint to the Police Authorities as mentioned earlier. There are matrimonial proceedings between the parties. The Applicant has filed a divorce petition. Considering all these aspects, the custodial interrogation of the Applicant may not serve any purpose. Hence the following order:

ORDER

- a) In the event of his arrest in connection with CR. No.338 of 2023 registered at Natepute Police Station, Solapur Applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- b) The anticipatory bail application is disposed of.

(SARANG V. KOTWAL, J.)