

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

ANTICIPATORY BAIL APPLICATION NO. 1645 OF 2024

Stephan Sudhakar Bhore ... Applicant
Versus
The Senior Inspector of Police & Anr. ... Respondents

Mr. Taraq Sayyed a/w Ashwini Achari i/by Swapnil Wagh and Vinita Dandekar for the Applicant.

Mr. Balraj B. Kulkarni, APP for Respondent-State.

Ms. Shailaja Patil, PSI, Hatkalangale Police Station, Kolhapur.

CORAM: MANISH PITALE, J.

DATE : 21st JUNE 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant is before this Court apprehending arrest in connection with FIR No. 0270 of 2024 dated 28th May 2024 registered at Hatkanangale Police Station, Kolhapur, for the offences under Sections 498-A, 354, 327, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC). There are four accused persons in the present case, the other co-accused persons being the parents and sister of the applicant. The informant (victim) is the wife of the applicant.

3. The Sessions Court has granted anticipatory bail to all the three other accused persons, taking note of the fact that against

them the only allegation appeared to be that they had taunted the informant and they had hurled abuses at her. It was noted by the Sessions Court as regards the applicant (husband) that there were certain serious allegations and on that ground he was not granted relief.

4. The learned counsel for the applicant submits that the grievance of the informant has essentially arisen out of matrimonial discord. It is submitted that in such cases the victim has a tendency of exaggerating the harassment suffered. It is brought to the notice of this Court that even in the statement leading to registration of the FIR, at one place the informant has raised a grievance that on her birthday instead of gifting her a mobile phone, the applicant (husband) gifted her only a gas stove. It is further brought to the notice of this Court that a date prior to the registration of the FIR, the applicant had issued a notice for restitution of conjugal rights, contents of which show that even a property was jointly purchased by the applicant with the informant. On the same day, the applicant himself had approached the Women's Cell of Police, expressing his apprehension about the informant dragging the applicant and his family into such criminal proceedings.

5. The learned APP has opposed the prayer made in the present application, submitting that there are serious allegations made against the applicant.

6. This Court has perused the statement leading to the registration of the FIR. The submissions made on behalf of the applicant noted hereinabove, do indicate that although specific allegations have been made against the applicant, they appear to be based on matrimonial discord between the applicant and the informant. There is no allegation of sexual abuse against the applicant and the tenor of the statement appears to be an exaggeration due to her dissatisfaction in matrimonial life. The informant has made allegations against the accused persons and the applicant before this court.

7. Notice issued on behalf of the applicant for restitution of conjugal rights and the written complaint submitted on his behalf to the Women's Cell of Police also indicate the approach of the applicant.

8. As long as the applicant is ready to cooperate with the investigation, a case is indeed made out for granting anticipatory bail.

9. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0270 of 2024 dated 28th May 2024 registered at Hatkanangale Police Station, Kolhapur, for the offences under Sections 498-A, 354, 327, 323, 504

and 506 read with 34 of the IPC, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 26th June 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer. The applicant shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

11. The application is disposed of.

MANISH PITALE, J.