

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

ANTICIPATORY BAIL APPLICATION NO.935 OF 2024

Dashrath Arjun Waghmare Applicant
Versus
The State of Maharashtra Respondent

Mr. Amit Icham, Advocate for the Applicant.

Ms. Rajeshree Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.205/2024 registered at Chattushringi Police Station, Pune City on 28.2.2024 under sections 498-A, 377, 323, 504, 506 read with 34 of IPC.

2. Heard Mr. Amit Icham, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by the Applicant's wife. She has stated that she got married with the Applicant on 4.12.2022

at Chinchwad. The informant's parents had spent sufficiently to the satisfaction of the Applicant's side. Thereafter the informant started residing with the Applicant along with his parents, brother and brother's wife. For initial three months, their cohabitation was peaceful. After that the informant saw that the Applicant was chatting with another girl. When the informant confronted the Applicant, at that time the Applicant told her that it was from his past and after that there was nothing between the Applicant and that girl. The Applicant tried to pacify her. The others in the family also tried to pacify her. It is further alleged that when she started questioning the Applicant about it, he started beating her. There are allegations that the Applicant and the mother-in-law started suspecting her character. In June, 2023 she suffered from health issues. She had a growth in her stomach. At that time, the Applicant sent her to her parents' house for medical treatment. In August, 2023, she came back. Again she saw that the Applicant used to talk with another girl. When the Applicant was confronted, he used to fight with her and used

to threaten her. There are allegations that he used to keep physical relations attracting Section 377 of IPC. Whenever the informant used to ask for money for the household expenses, the Applicant used to tell to get it from her parents. In January, 2024 she was suffering from her health issues. The Applicant sent her to her parents' place. Thereafter, the Applicant did not try to contact her or get her back. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant's co-accused are granted anticipatory bail. The allegations against the Applicant are vague. The marriage took place in 2022 and the allegations of commission of offence under Section 377 of IPC are made at the time of lodging of FIR. Before that there was no grievance made by her at all. These allegations are false and they are made only after their relations became strained. He further submitted that there is nothing to show that the Applicant was in a serious relationship with any other girl. All these allegations

are vague and for those allegations, the Applicant's custodial interrogation is not necessary.

5. Learned counsel further submitted that the Applicant has taken the informant to a doctor and he has bills to support that claim.

6. Learned APP opposed these submissions. According to her, the Applicant's custodial interrogation is necessary to recover his cell phone so that his chats with other girls could be verified.

7. I have considered these submissions. As rightly submitted by learned counsel for the Applicant, the allegations against the present Applicant in the FIR are quite vague. There is nothing to show that the Applicant was harassing the informant because he was in other relationships with other girls. The allegations in that behalf are quite vague. In that background, his custodial interrogation for that purpose is not necessary. As far as the allegations under Section 377 of IPC are concerned, those allegations are made only after their

relations had become strained. From January 2024, both of them are residing separately. In this view of the matter, the Applicant's custodial interrogation is not necessary. He can be protected under Section 438 of Cr.P.C. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.205/2024 registered at Chattushringi Police Station, Pune City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.04.12
10:25:29 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)