

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

ANTICIPATORY BAIL APPLICATION NO. 1210 OF 2024

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date:
2024.05.06
16:23:17 +0530

Shyam Sitaram Shelke

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Sujit Pathak a/w Sandeep Dubey a/w Suraj Pandey , for the applicant.

Mr. Nitin B. Patil , APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 89 of 2024, registered at Mehkar Police Station, Buldhana, on 16/02/2024 under Sections 377, 498-A, 354-A, 323, 504, 506, 109 r/w 34 of the Indian Penal Code.

2. Heard Mr. Pathak, learned counsel for the Applicant and Mr. Patil , learned APP for the Respondent-State.

3. The FIR is lodged by the Applicant's wife. She has stated that she was earlier married to one person. She got

divorced in the year 2020. She had a son from her earlier marriage. After that, she got married with the present Applicant on 16/02/2021. Since then she was residing with her husband's family consisting of the Applicant, his mother, his brother and brother's wife. It is alleged that after a couple of months of their marriage, all of them started harassing her. They started demanding Rs. 25 lakhs. It is alleged that they abused her and assaulted her. There are allegations that the Applicant's brother was asking for physical relations. Similar allegations are made against the husband of the Applicant's sister. The FIR mentions that on 2 or 3 occasions, the informant was sent to her parents house. There are allegations that the Applicant used to have unnatural physical relationship with the informant. On 01/10/2024, the Applicant at the instance of the informant's father dropped her to her parents' house. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that after their relationship became sour, this FIR is lodged. The Applicant's

mother had given her complaint to Goregaon Police Station on 17/09/2023 mentioning how the Applicant's mother was harassed by the informant. She had suggested that the Applicant and the informant should stay separately. The Applicant on his part had given his own complaint on 06/12/2022 to Dindoshi Police station mentioning that the informant's father was asking for Rs. 25 lakhs and was harassing the Applicant. After all this, as a counter blast, the present FIR is lodged against the Applicant.

5. Learned APP opposed these submissions and he relied on the statements made in the FIR. He further submitted that Applicant's custody is necessary for medical examination.

6. I have considered these submissions. From the allegations, it appears to be a matrimonial dispute. The Applicant and his mother had given their complaints before the police before this FIR was lodged. However, the police did not register any complaint or F.I.R. on their allegations. Instead, after these complaints, the informant's FIR is registered. There are general

allegations against the Applicant in the FIR. More specifically there are allegations in respect of offence under Section 377 of the I.P.C. for which as submitted by learned counsel for the Applicant, no earlier complaint was made. At this stage, custodial interrogation for that purpose is not necessary in the facts of this case. In this view of the matter, custodial interrogation of the Applicant is not justifiable. 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. 89 of 2024, registered at Mehkar Police Station, Buldhana, the Applicant is directed to be released on bail on his executing P.R. 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 attend the concerned Police as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)