

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

ANTICIPATORY BAIL APPLICATION NO. 2475 OF 2021

1. Mr. Nanasahab Shankarrao Gaikwad
 2. Mrs. Nanda Nanasahab Gaikwad
 3. Mrs. Sonali Deepak Gaware
 4. Mr. Deepak Nivrutti Gaware
 5. Mrs. Deepali Virendra Pawar
- } ...Applicants

V/S.
The State of Maharashtra

} ...Respondent

**WITH
INTERIM APPLICATION NO. 148 OF 2022
(for intervention)
IN
ANTICIPATORY BAIL APPLICATION NO. 2475 OF 2021**

Muktai Ganesh Gaikwad

} ..Intervenor/
Applicants

IN THE MATTER BETWEEN :

1. Mr. Nanasahab Shankarrao Gaikwad
 2. Mrs. Nanda Nanasahab Gaikwad
 3. Mrs. Sonali Deepak Gaware
 4. Mr. Deepak Nivrutti Gaware
 5. Mrs. Deepali Virendra Pawar
- } ...Applicants

V/S.
The State of Maharashtra

} ...Respondent

Mr. Harshad Vamanrao Nimbalkar a/w. *Mr. Satyam H. Nimbalkar, Mr. Abhishek Ulhas Arote, for the Applicants.*

Mrs. Aruna Pai i/by. *Mr. Satyajit Ligade, Mr. Purushottam G. Chavan, for the Complainant-Intervenor in IA-148-2022.*

Mr. Ashok S. Gawai, APP for State-Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 27 March 2024.

P.C. :

1) This is an application for pre-arrest bail in connection with C.R. No. 293 of 2021 registered with Chatushrungi Police Station for the offences punishable under Sections 498A, 392, 354, 326(A), 325, 406, 420, 120(B), 323 and 506 read with Section 34 of the Indian Penal Code, under Section 3 of the Dowry Prohibition Act and under Section 3 of The Maharashtra Prevention and Eradication of Human Sacrifice and other inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2) The FIR is lodged on account of marital discord between the Complainant and her husband. It appears that the husband was arrested in connection with the FIR and has been released on bail. Applicant Nos.1 and 2 are the Complainant's in-laws. Applicant Nos.3 and 5 are Complainant's sister-in-law and Applicant No.4 is the

husband of Applicant No.3. All the Applicants are on interim protection granted by this Court since 14 October 2021.

3) The learned APP appearing for State would submit that investigations into the crime are already complete and a chargesheet has been filed on 20 November 2021. He would further submit that further investigations are warranted into the crime and the police desires production of a document named 'Maafinama' from the accused. However, upon being enquired about particulars of the document, the learned APP is unable to specify the exact document, production of which is warranted from the Applicants.

4) Mrs. Pai, appearing for the Complainant/Intervenor would submit that Applicant No.1 is already in custody in connection with an independent FIR. Be that as it may. The said FIR has no connection with the present case. As observed above, Complainant's husband was already arrested and has been released on bail. The Applicants herein are under protection of this Court since 14 October 2021. Chargesheet against the Applicants has already been filed. It appears that this Court had referred the dispute between the Complainant and her husband for mediation. However, mediation has not fructified into positive outcome.

5) Considering the above circumstances, I am of the view that the interim protection granted by this Court during pendency of this application deserves to be made absolute. I accordingly proceed to pass the following order :

(i) In the event of arrest of the Applicants in C.R. No. 293 of 2021 registered with Chatushrungi Police Station for the offences punishable under Sections 498A, 392, 354, 326(A), 325, 406, 420, 120(B), 323 and 506 read with Section 34 of the Indian Penal Code, under Section 3 of the Dowry Prohibition Act and under Section 3 of The Maharashtra Prevention and Eradication of Human Sacrifice and other inhuman, Evil and Aghori Practices and Black Magic Act 2013, they shall be released on executing PR bond for the sum of Rs.25,000 (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The Applicants shall appear before the Chatushrungi Police Station as and when called by the Investigating Officer for any further investigations and shall also remain present on each date before the Trial Court, unless exempted.

(iii) The Applicants shall furnish their permanent residential address and contact number to the Investigating Officer forthwith.

(iv) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6) The Anticipatory Bail Application is accordingly allowed and disposed of.

7) With disposal of the bail application, Interim Application taken out for intervention also stands disposed of.

**NEETA
SHAILESH
SAWANT**

SANDEEP V. MARNE, J.

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2024.03.28
10:51:34 +0530