

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

ANTICIPATORY BAIL APPLICATION NO.3639 OF 2023

Gangadhar Pandit Londhe Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Tushar Sonawane a/w Bhagwan Jejurkar a/w Pooja Satpute, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.705/2023, dated 12/12/2023, registered with Mahatma Phule Chowk Police Station, Thane City, under sections 354, 323, 504 r/w 34 of the Indian Penal Code.
2. Heard Mr. Tushar Sonawane, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by the first informant who was sister-in-law of the Applicant's daughter Pooja. The first informant's brother was married to Pooja. There was matrimonial dispute between Pooja and the informant's brother. Pooja had filed proceedings under the Protection of Women from Domestic Violence Act, 2005. The informant's brother on the other hand had filed proceeding for Restitution of Conjugal Rights in the Court of Civil Judge, Senior Division, at Kalyan. The incident, which is the subject matter of the FIR, took place on 11/12/2023. It is the case of the informant that there was matrimonial dispute between the informant and her husband as well. She wanted to lodge complaint against her husband and therefore she had gone to the Court at Kalyan. She met her advocate. When she came out of the gate, she was confronted by the Applicant, his wife and their daughter Pooja. It is alleged that the Applicant's wife and Pooja abused the informant. They slapped her. It is alleged that the Applicant also abused her and pushed her by touching her breasts. On this basis, the FIR was lodged.

4. Learned counsel for the Applicant submitted that the incident had allegedly taken place at 02.00 p.m. on 11/12/2023 and the FIR was lodged on the next date at 04.05 p.m. i.e. on 12/12/2023. This delay indicates that there was deliberation and deliberate false implication of the present Applicant because of the bad relationship between the parties. He submitted that looking at the previous litigation, it is quite clear that the informant was holding grudge against the Applicant's family. Learned counsel for the Applicant invited my attention to a copy of the FIR registered at Satana Police Station, Nashik Rural, vide C.R.No.570/2023 dated 15/10/2023 u/s 498-A, 323, 504, 506, 406 r/w 34 of the IPC. This FIR was lodged by Pooja against the husband's family including the first informant in the present matter. He therefore submitted that the FIR against the present applicant is filed with malafide intention. The incident is not true and therefore the Applicant deserves to be protected by anticipatory bail order.
5. Learned APP on instructions submitted that besides the statement of the first informant herself there is no corroborative

piece of evidence in the form of any statement of other eyewitness. She relied only on the statement of the first informant in her submissions.

6. I have considered these submissions. As pointed out by the learned counsel for the Applicant there was bad relations between the Applicant's family and first informant's family. Learned counsel for the Applicant submitted that the Applicant, his wife and Pooja were present in the Court because there was the date fixed for the proceeding for Restitution of Conjugal Rights filed by Pooja's husband and therefore their presence in the Court was expected. On the other hand, the first informant has not referred to those proceedings but has come out with the case that she wanted to file separate proceedings against her husband. The history shows that the Applicant's daughter had lodged FIR on 15/10/2023. She had filed proceeding under the DV Act prior to this FIR against the Applicant. Thus there is a reasonable possibility that the Applicant is falsely implicated because of the previous enmity. Therefore, in this offence if the

Applicant is arrested, he will suffer irreparable harm. In any case, in this background, the Applicant's custodial interrogation is not necessary. Therefore, he can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.705/2023, dated 12/12/2023, registered with Mahatma Phule Chowk Police Station, Thane 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)