

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3278 OF 2024

Vinayak Anant Bhoir ... Applicant

Vs.

State of Maharashtra and another ... Respondents

Mr. Ashok Mishra a/w. Ms. Kinjal Mehta and Ms. Dhara Chauhan i/b. Solicis Lex for Applicant.

Ms. Megha S. Bajoria, APP for Respondent-State.

Mr. Viral Bhanushali for Respondent No.2.

Mr. Nageshwar Balaji Mundhe, PSI, Ambernath Police Station, Thane City.

CORAM : MANISH PITALE, J.

DATE : SEPTEMBER 30, 2024

P.C. :

. Heard Mr. Mishra, learned counsel appearing for the applicant, Ms. Bajoria, learned APP appearing for the respondent-State and Mr. Bhanushali, learned counsel appearing on behalf of respondent No.2 (first informant).

2. In the present case, FIR No.0449 of 2024 dated 18.05.2024 was registered with L. T. Marg Police Station, Mumbai, for offences under Sections 376, 377, 504 and 506 of the Indian Penal Code, 1860 (IPC) at the behest of the respondent No.2 (first informant). Subsequently, on 19.05.2024, the said FIR was transferred to Ambernath Police Station, where it was renumbered as FIR No.825 of 2024. The investigation was completed and charge-sheet was filed in July 2024.

3. The learned counsel for the applicant, on instructions, submits that the informant had caused the FIR to be registered as there was a misunderstanding between the applicant and the informant. They were in a relationship and after registration of the FIR on 18.05.2024, the two got married on 29.05.2024. It is submitted that thereafter, on 11.06.2024,

the applicant was arrested and he has remained behind bars since then.

4. The learned counsel appearing for the respondent No.2 (first informant) confirms the fact that the applicant and the informant got married on 29.05.2024. The informant herself is present in Court, identified by the learned counsel appearing for her, and she has stated that the two indeed got married on 29.05.2024 and that presently, she is living with the family of the applicant. She has stated that she has no objection to the prayer in the present application being granted as the applicant and the informant are now married.

5. The learned APP submits that although the informant is now present in Court and she has made the aforesaid statement, the Sessions Court rejected the bail application of the applicant, *inter alia*, on the ground that he appeared to be a habitual offender. An earlier FIR dated 03.03.2024 was registered against the applicant for similar allegations made by another aggrieved person. It is submitted that this Court may consider the aforesaid aspect of the matter before disposing of the present application. It is further submitted that in the present case, the investigating machinery was unnecessarily put to strain on the basis of the FIR lodged at the behest of the respondent No.2 (first informant) and after the investigation was swiftly completed and charge-sheet was filed, the applicant and the informant have come forward to indicate to this Court that they are together and that relief may be granted. It is submitted that this Court may consider the said conduct of the parties before disposing of the present application.

6. In response, the learned counsel for the applicant submits that the earlier FIR was indeed filed and along with the application itself, a copy thereof has been placed on record at page 137. It is submitted that merely because the earlier FIR was filed, this Court may not reject the present bail application, particularly in the light of the fact that the

informant in the present case and the applicant are now married and they intend to live with each other. It is submitted that in the process, the investigating machinery indeed had to put in effort and time for which the applicant is ready to voluntarily deposit cost of Rs.1 lakh in the appropriate account as may be indicated by this Court.

7. In the light of the fact that the informant is present in the Court, identified by the learned counsel appearing for her, and particularly in the face of the statement made by her that she and the applicant got married on 29.05.2024 and that, she has no grievance against the applicant, this Court is inclined to grant relief to the applicant.

8. The document, upon which the learned counsel for the applicant has placed reliance to indicate that the applicant and the informant had got married on their own, was not enough to convince this Court and therefore, the presence of the informant was insisted upon. The hearing of the application was kept back. The informant has indeed appeared and confirmed the fact that she married the applicant on 29.05.2024 before he was arrested and in that light, she no longer has any grievance against the applicant.

9. It appears that the applicant and the informant were in a relationship and due to some misunderstanding or confusion or an apprehension on the part of the informant that the applicant would not be marrying her, the criminal process was triggered by registration of the FIR on 18.05.2024. On 29.05.2024, the two have got married and the informant, who is present in Court, states that she is presently residing with the family of the applicant.

10. Despite the aforementioned earlier FIR having been registered against the applicant, as also considering the fact that the informant in the present case is now the applicant's wife and that she has no

grievance against him, this Court is inclined to favourably consider the prayer made in the present application. Nonetheless, it cannot be ignored that due to the interpersonal relationship and confusion between the informant and the applicant, the criminal process was triggered; police machinery, which is already overworked, was required to conduct swift investigation; and the charge-sheet was filed. Even the valuable time of the Court has been consumed in considering the present proceedings, for which the voluntary statement made on behalf of the applicant for paying costs needs to be accepted.

11. This Court is of the opinion that the amount of costs should be utilized for the welfare of the police personnel. Accordingly, an appropriate direction needs to be issued, while allowing the present application.

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

- (A) The applicant shall be released on bail in connection with FIR No.0449 of 2024 dated 18.05.2024 registered with L. T. Marg Police Station, Mumbai (renumbered as FIR No.825 of 2024 dated 19.05.2024 registered with Ambernath Police Station), on furnishing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- (B) The applicant shall remain available for the investigating authority, as and when required;
- (C) The applicant shall cooperate with the trial Court for expeditious trial and he shall attend each and every date, unless exempted;
- (D) The applicant shall not tamper with the evidence of the prosecution. He shall not influence the informant, witnesses

or any other person concerned with the case;

(E) Upon being released on bail, the applicant shall immediately, and in any case within a week, furnish the details of his active mobile number and residential address to the trial Court and update about the same, if there is any change.

13. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of bail. It is also clarified that the observations made in this order are limited to the question of grant of bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

14. As per the voluntary statement made on behalf of the applicant, whose sister is present in Court, he shall deposit an amount of Rs.1 lakh towards costs in the following account:-

A/c. Name :	Central Police Welfare Fund
Account No.:	914010029005759
Bank Name :	Axis Bank
IFSC Code :	UTIB0000060

15. The amount of costs shall be deposited within three weeks of release of the applicant on bail.

16. The bail application is disposed of in the above terms.

17. List for compliance on 12.11.2024, to be included in the supplementary list.

(MANISH PITALE, J.)