

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

ANTICIPATORY BAIL APPLICATION NO.338 OF 2024

Alkesh Suresh SuralkarApplicant
Versus
The State of Maharashtra Respondent

Mr. Aditya Navpute, Advocate a/w. Janathan Benn,
Ravindra Waghmare, for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.119/2023 registered at Salgar Vasti Police Station, Solapur City on 10.7.2023 under Sections 498-A, 323, 504, 506 of IPC and under Section 3 of the Dowry Prohibition Act. Subsequently during investigation other sections of IPC were also added. They are Sections 354, 323, 376, 377, 313, 328 of IPC.

2. Heard Mr. Aditya Navpute, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by the victim herself. She was 23 years of age. She has narrated that she got married with her husband Tukaram, who is also an accused, on 31.5.2020. The allegations in the FIR mention about the ill-treatment caused to her for demand of monetary help. As far as the present Applicant is concerned, his name is mentioned in the FIR. The informant's case in the FIR is that in June and July, 2023 the informant and her husband were residing in a tin-shed. There were cameras in that shed. The FIR mentions that on 2.7.2023, the Applicant came to that room and he slept in that room. At that time the informant's husband told her to cover the cameras and then he would make false allegations against the Applicant that the Applicant had outraged the modesty of the informant. Her husband suggested that he could then extract money from the Applicant. However, the informant had refused, but, since the husband had threatened to cause harm to their daughter she had complied with his suggestion and had covered the cameras. That is the only reference in the FIR as far as the present Applicant is concerned. There is no specific

allegation or any act mentioned against the Applicant. However, in the statement recorded under Section 164 of Cr.P.C., she has improved her story and she has stated that on one occasion her husband and the present Applicant gave her some substance through her food causing giddiness. She realized that somebody was having forcible physical relations with her. In the morning, her husband showed her a video showing her physical relations with the Applicant. After this statement was recorded, the other serious sections are added and, therefore, the Applicant is apprehending his arrest.

4. Learned counsel for the Applicant submitted that the story in the FIR and that in the statement recorded under Section 164 of Cr.P.C. are totally contradictory. There is a strong possibility that the Applicant is falsely implicated as is indicated in the FIR itself.

5. Learned APP seeks time to take instructions regarding the result of the interrogation of the informant's husband. At her instance today I am adjourning the matter.

However, considering these two contradictory versions, the Applicant can be protected by way of ad-interim relief till the next date.

6. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.119/2023 registered at Salgar Vasti Police Station, Solapur City, till the next date, the Applicant 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) This order shall operate till 3.4.2024.
- (iii) The Applicant shall attend the concerned Police Station from 11.3.2024 to 15.3.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. The Applicant shall cooperate with the investigation.
- (iv) Stand over to 3.4.2024.

(SARANG V. KOTWAL, J.)