

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1474 OF 2024**

Atish Sanjay Sasane	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Shivani Kondekar a/w. Mr. Yash Fadtare, i/b. Devang Thakkar for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. Anirudh Anil Jadhav for informant.

Mr. Prashant Tayade, API, Kamothe Police Station, Navi Mumbai.

CORAM : MANISH PITALE, J.

DATE : 18th JUNE, 2024

P.C. :

1. Heard learned counsel for the applicant and the learned APP appearing for the State.

2. The applicant before this Court is one of the accused persons in FIR No.0039 of 2024 dated 13.02.2024 registered at Kamothe Police Station, District Navi Mumbai for offences under Sections 498-A, 354, 323, 504 and 506 of Indian Penal Code, 1860 (IPC). He apprehends arrest in connection with the said FIR. It is a matter of record that all the co-accused persons have been granted anticipatory bail by the Sessions Court by order dated 20.05.2024.

3. The applicant is the brother-in-law of the informant. The co-accused persons, who have been granted anticipatory bail, are the husband, father-in-law and mother-in-law of the informant.

4. On 28.05.2024, the Vacation Court (Coram: Kishore C. Sant, J) granted interim relief to the applicant, on the condition that the applicant attends the concerned police station as and when called and on a further condition that the applicant would not influence the investigation.

5. The learned counsel for the applicant submits that the statement leading to the registration of FIR, makes vague allegation against the applicant, who is the brother-in-law of the informant and in any case, such allegations pertain to the year 2019. It is submitted that the matrimonial dispute between the informant and her husband has unnecessarily led to the name of the applicant being included in the FIR, as one of the accused persons. It is emphasized that the co-accused persons i.e. the husband, father-in-law and mother-in-law of the informant against whom more serious and specific allegations have been made, have already been granted anticipatory bail by the Sessions Court, while erroneously rejecting the prayer for anticipatory bail made by the applicant. It is submitted that the applicant is ready to remain present before the Investigating Officer and he shall be co-operating with the investigation.

6. The learned APP opposed the prayer in the present application, while submitting that there are indeed allegations made against the applicant in the statement leading to registration of FIR. The learned counsel appearing for the informant supported the submissions made by the learned APP.

7. This Court has perused the statement leading to registration of FIR. While certain specific allegations have indeed been made against the co-accused persons, including harassment and taking away of the ornaments of

the informant, allegations against the applicant are of general nature and they pertain to the year 2019. The FIR has been registered recently on 13.02.2024, thereby *prima facie* indicating that the informant, in the backdrop of the matrimonial dispute with her husband, has roped in the applicant, who is her brother-in-law.

8. The Sessions Court granted anticipatory bail to the co-accused persons, although *prima facie*, the statement of the informant indicates specific allegations against them, as compared to the vague allegations against the applicant. As long as the applicant is ready to co-operate with the investigation, this Court is of the opinion that custody of the applicant may not be required.

9. In view of the above, the application is allowed on the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0039 of 2024 dated 13.02.2024 registered at Kamothe Police Station, District Navi Mumbai for offences under Sections 498-A, 354, 323, 504 and 506 of IPC, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- (Rupees Twenty-five Thousand only) and one surety in the like amount.
- (ii) The applicant shall remain present before the Investigating Officer on 24.06.2024 and thereafter, as and when the Investigating Officer calls upon him to remain present.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

10. In the event, the applicant violates any of the conditions specified in this order, this Court may consider cancelling the present order.

11. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application. It is further made clear that the observations made in this order in respect of the co-accused persons, are only for considering the prayer made on behalf of the applicant in this application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli