

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1488 OF 2024

Shrikant Bhagwan Jadhav	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Vishwataj Jadhav i/b. Mr. Rahul Nair for Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.
Mr. B. M. Jondhale, PSI, Wakad Police Station, Pune present.

CORAM : MANISH PITALE, J.
DATE : JUNE 12, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent - State.

2. The applicant seeks anticipatory bail in the context of FIR registered on 27.03.2024 at Wakad Police Station, District - Pimpri Chinchwad for offences under Sections 354, 324, 352 and 504 of the Indian Penal Code, 1860 (IPC).

3. The allegation against the applicant is that he assaulted the informant (victim), who is the mother-in-law of his sister. It is alleged that when the informant was returning after attending *kirtan* and reached her house, the applicant reached the place and abused the informant, stating that court notice has to be served on her. Thereafter, the applicant allegedly assaulted the informant leading to injuries.

4. The learned counsel for the applicant submits that there are matrimonial disputes between the sister of the applicant and the son of the informant. It is submitted that the applicant had accompanied the bailiff on the date of the incident for pasting the court notice pertaining

to a proceeding initiated by the applicant's sister for restitution of conjugal rights. He submits that the applicant has been unnecessarily roped in and false allegations have been made against him.

5. The learned APP submits that the injury report is on record, which indeed shows injuries to the head, neck and hand of the victim i.e. the informant. It is submitted that the role of the applicant has been explicitly stated by the informant and no case is made out for grant of anticipatory bail.

6. This Court has considered the rival submissions. The position on record is that there are matrimonial disputes between the sister of the applicant and the son of the informant. Copy of a bailiff report is on record, which indeed shows that court notice pertaining to the application for restitution of conjugal rights filed by the sister of the applicant was pasted on the house of the informant at about 1:15 p.m. It is the case of the applicant that he had accompanied the bailiff for service of the said notice.

7. Considering the fact that the relations between the son of the informant and the sister of the applicant have deteriorated leading to matrimonial disputes, there is a background to the incident. The learned APP invited attention of this Court to the injury certificate, which does indicate injuries suffered by the the informant. There are abrasions suffered by the informant over her left eyebrow and other parts of her body, including head and forearm.

8. The applicant is said to be a dentist and resident of District - Beed, which is at considerable distance away from the place of the incident. The applicant undertakes to co-operate with the investigation and a statement is made that he would remain present before the investigating officer as and when required.

9. The offences registered against the applicant are under Sections 354, 324, 352 and 504 of the IPC. It would be a matter for trial as to whether the nature of injuries would justify conviction under Section 354 of the IPC, which prescribes punishment extending upto five years. The offence punishable under Section 352 of the IPC is only to the extent of three months.

10. Considering the backdrop of the matrimonial dispute between the concerned parties, this Court is of the opinion that if appropriate conditions are imposed, the applicant can be given protection of anticipatory bail.

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

- A. In the event the applicant is arrested in connection with FIR No.0377 of 2024 dated 27.03.2024, registered with Wakad Police Station, District - Pimpri Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- [Rupees Fifty Thousand only] and one surety in the like amount;
- B. The applicant shall not contact the informant or threaten her in any manner. He shall not visit the locality wherein the house of the informant is located;
- C. The applicant shall remain present before the investigating officer, as and when he is called upon to do so and he shall co-operate with the investigation;
- D. The applicant shall not influence the informant, witnesses or any person concerned with the present case and he shall not tamper with the evidence.

12. The applicant undertakes not to indulge in any similar activity in the future.
13. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab