

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

ANTICIPATORY BAIL APPLICATION NO. 1826 OF 2024

Amol Uddhav Avhad	...	Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Prasad Avhad i/by Mr. Chetan Nagare for the Applicant.
Mr. Prasanna Pradeep Malshe, APP for Respondent No.1-State.
Mr. Vaibhav Gaikwad for Respondent No.2.
PSI - Sachin Waykar, Panvel City Police Station.

CORAM: MANISH PITALE, J.
DATE : 15th JULY 2024

P.C. :

. Heard learned counsel for the applicant, learned APP for respondent-State and learned counsel for respondent No.2 (first informant).

2. The statement of the informant leading to registration of the FIR shows that the applicant, who is her husband, brutally assaulted her on 31st May 2024 by means of a wooden stick, which resulted in injuries on her nose and near her eye. She had to be admitted to the hospital and she underwent surgery. After discharge when the informant went to the house of her father, she could gather the courage to reach out to the Police, leading to registration of the FIR.

3. The learned counsel for the applicant submits that the

conduct of the applicant, immediately after the incident itself, indicates that the applicant admitted the informant to the hospital and ensured that surgery was conducted. After discharge from the hospital when the informant went to her father's place, she has lodged the FIR after a delay of 16 days. It is submitted that the applicant is a software engineer and the genesis of the incident is the matrimonial dispute between husband and wife. The applicant has no criminal antecedents and this Court may consider, in such circumstances, granting relief in the present application.

4. The learned APP submits that the wooden stick has been recovered.

5. The learned counsel appearing for respondent No.2 submits that time may be granted to file reply affidavit in the present application. It is highlighted that the informant suffered serious injuries on her nose and face, indicating the ferocity of the assault and the fact that offence under Section 307 of the IPC ought to have been registered. He vehemently opposed the prayer made in the present application.

6. This Court has perused the material on record. Even if opportunity is granted to respondent No.2 (first informant) to file her reply affidavit, this Court is inclined to grant interim protection to the applicant, for the following reasons :

(i) The genesis of the incident appears to be the matrimonial

dispute between the applicant and his wife i.e. the informant.

- (ii) After the alleged incident, when the informant suffered injury on her nose, even according to the informant, the applicant took her to the hospital for treatment.
- (iii) The statement also shows that the applicant ensured that the informant was treated, including undergoing surgery for the assault, thereby indicating that the incident may have happened in the heat of the moment.
- (iv) The applicant does not have any criminal antecedents. He is stated to be a software engineer and he has undertaken to cooperate with the investigation.

7. In view of the above, the following interim order is passed:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0396 of 2024 dated 16th June 2024 registered at Panvel City Police Station, Navi Mumbai, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 18th July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

- (c) The applicant shall not contact the informant in any manner, till the next date.
 - (d) 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.
8. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.
9. In the meanwhile, the respondent No.2 is granted two weeks time to file reply affidavit.
10. List this application for further consideration on 7th August 2024 (High on Board).

MANISH PITALE, J.