

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1826 OF 2024

Amol Udhhav Avhad ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Prasad Avhad i/b. Mr. Chetan Nagare for Applicant.

Mr. Prasanna P. Malshe, APP for Respondent-State.

Mr. Vaibhav Gaikwad for Respondent No.2.

CORAM : MANISH PITALE, J.

DATE : OCTOBER 07, 2024

P.C. :

. Heard Mr. Avhad, learned counsel appearing for the applicant, Mr.Malshe, learned APP appearing for the respondent-State and Mr.Gaikwad, learned counsel appearing for the respondent No.2 (first informant).

2. On 15.07.2024, this Court granted interim order in favour of the applicant. While granting interim order, this Court had recorded reasons as follows:-

“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 co-operate with the investigation.”

3. The learned counsel appearing for the informant has opposed the grant of anticipatory bail to the applicant.

4. There is nothing to show that the applicant has not co-operated with the investigation. In fact, a positive statement is made on behalf of the applicant that he abided by the specific conditions imposed by this Court. It is already observed in paragraph 4 of the interim order dated 15.07.2024 that the wooden stick has been recovered.

5. In such circumstances, this Court is inclined to allow the present application. Accordingly, the interim order dated 15.07.2024 is confirmed and the application is allowed, subject to the applicant continuing to co-operate with the investigation. The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.

6. The application stands disposed of.

(MANISH PITALE, J.)

Minal Parab