

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2137 OF 2024**

1. Bharat Tukaram Dighole		
2. Mahesh Bharat Dighole		
3. Sindhubai Bharat Dighole		
4. Indubai Nivrutti Ghuge		
5. Dattu Sabaji Bodke		
6. Kisan Santu Avhad		
7. Rohit Madhukar Lahane		
8. Bhima Haribhau Palve and		
9. Pooja Balasaheb Katkade	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Pratik Kalantri for applicants.

Mr. Tanveer Khan, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 20th AUGUST, 2024

P.C. :

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

2. The learned APP submitted that today, the investigating officer could not remain present and the investigation papers are not available to assist this Court.

3. The learned counsel for the applicants is seeking urgent interim relief, as the applicants apprehend arrest in connection with FIR No.0113 of 2024

dated 31.05.2024, registered at Ozar Police Station, District Nashik Rural for offences under Sections 143, 147, 148, 149, 329, 427, 452, 504 and 506 read with 120-B of the Indian Penal Code, 1860.

4. This Court has perused the documents filed alongwith the application. Having perused the same, this Court is inclined to grant interim relief to the applicants, for the following reasons:

- (i) The dispute between the informant and the applicants essentially is having its root in a matrimonial dispute between the informant and applicant No.9, who is the wife of the informant.
- (ii) The documents on record show that earlier point in time i.e. on 03.11.2023, the applicant No.9 had caused an FIR to be registered against her husband and others at the very same police station.
- (iii) It is also brought to the notice of this Court that on 17.05.2024, applicant No.9 i.e. the wife of informant, was constrained to approach the police as a report for non-cognizable offence was registered against her husband i.e. the informant herein.
- (iv) The narration of events in the statement leading to registration of the present FIR, also indicates that the applicants had reached the house of the informant in the backdrop of bitter matrimonial disputes between the applicant No.9 and the informant. In such cases, there is a tendency of exaggeration and to make allegations against all family members.
- (v) The application shows that applicant Nos.4, 5 and 8 are senior citizens. Specific allegations of overt acts are made only against applicant No.2 i.e. the brother-in-law of the informant and against accused No.9 i.e. the wife of the informant, while general and omnibus allegations are made against the other accused persons/applicants before this Court. The applicants are ready to co-operate with the investigation.

5. In view of the above, following interim order is passed:
- (a) Till the next date, in the event the applicants are arrested in connection FIR No.0113 of 2024 dated 31.05.2024, registered at Ozar Police Station, District Nashik Rural, they shall be released on bail on furnishing PR Bonds of ₹ 15,000/- each and one or two sureties in the like amount to the satisfaction of the trial court;
 - (b) the applicants shall appear before the investigating officer on 23.08.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;
 - (c) the applicants shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. They shall co-operate with the investigation.
6. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
7. List for further consideration on 23.09.2024 High on Board.
8. On the next date, the investigating office shall remain present alongwith the investigation papers to assist the learned APP.

(MANISH PITALE, J)