

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

VERSUS

The State of Maharashtra

.....Respondent

Mr. Pratik Kalantri for Applicants.

Mr. Tanveer G. Khan, APP for Respondent-State.

Mr. Tushar M. Garud, Ozar Police Station Nashik Rural, present.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 07, 2024

P.C. :

1. Heard, the learned Counsel for the Applicants and the learned APP for the State.

2. By an order dated 20th August 2024, this Court granted interim relief in favour of the Applicants, subject to specific conditions including a direction to appear before the Investigating Officer on 23rd August 2024 and thereafter, as and when required by the Investigating Officer.

3. The learned APP on instructions makes a statement that the Applicants indeed appeared before the Investigating Officer and that they have cooperated with the Investigation.

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4. In the interim order dated 20th August 2024, in paragraph 4 thereof, this Court recorded the following reasons :

“ 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. As noted in the above quoted portion of the interim order, the First Information Report appears to be the result of a matrimonial dispute between the informant and the Applicant No.9.

6. Considering the fact that the aforesaid reasons recorded in the interim order hold good even today, the Application can be allowed, particularly in the light of the fact that the Applicants have cooperated with the investigation.

7. In view of the above, the interim order dated 20th August 2024 is confirmed and the Application is allowed.
8. The Applicants shall continue to cooperate with the investigation and they shall not tamper with the evidence. They shall not influence the informant, witnesses, or any other persons concerned with this case.
9. The application is disposed of.

(MANISH PITALE, J.)

Arun Sankpal