

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2260 OF 2024

1. Pratik Balkrushna Kakade		
2. Prajyotkumar Balkrushna Kakade		
3. Ashvin Vilas Pawar	...	Applicants
Vs.		
State of Maharashtra	...	Respondent

Mr. Mayuresh Ingale for Applicants.

Ms. Megha S. Bajoria, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : AUGUST 30, 2024

P.C. :

. Heard Mr. Ingale, learned counsel for the applicants and Ms.Bajoria, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0552 of 2024 dated 19.06.2024 registered with Chatushrungi Police Station, District - Pune City, for offences under Sections 323, 354, 354D, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant leading to registration of the FIR shows that when a relationship between the applicant and the informant, wherein they were allegedly together for about six years, eventually did not work out and they could not get married, some incidents took place leading to registration of the FIR. The two incidents stated by the informant are dated 11.03.2024 and 22.05.2024, while the FIR was registered on 19.06.2024.

4. The learned counsel for the applicant submits that in the present case, the FIR can be said to be delayed. It is submitted that the

allegations are false and they have been made in the backdrop of the frustration of the informant due to the fact that the relationship between the applicant and the informant could not work out. It is submitted that although the informant has alleged that she was called to the office of the applicant No.1, there is material to indicate that she herself visited the office of the applicant No.1 in order to create a scene and to embarrass the applicants. It is submitted that the applicants are ready to co-operate with the investigation and hence, this Court may allow the present application.

5. On the other hand, the learned APP submits that in respect of the only non-bailable offence in the present case i.e. Section 354 of the IPC, there are clear allegations against applicant Nos.2 and 3, pertaining to the incident dated 22.05.2024. It is submitted that, therefore, this Court may not show indulgence to the applicants.

6. The statement of the informant leading to registration of the FIR itself indicates that the applicant No.1 and the informant were having love affair for about six years. They had even fixed the date of their marriage as 04.03.2024, but unfortunately, the marriage could not take place and there was altercation between the informant and the family members of the applicant No.1. The applicant Nos.1 and 2 are brothers, while applicant No.3 is a friend of applicant Nos.1 and 2.

7. The aforesaid part of the statement of the informant shows that the genesis of the incident is the fact that the relationship between the applicant No.1 and the informant could not fructify into marriage and it appears that there was a break-up between the two. The incident pertaining to 11.03.2024 *prima facie* does not demonstrate ingredients of the offences under Section 354 of the IPC. The allegations pertaining to the said offence can be relatable to the incident that allegedly took place on 22.05.2024 and that too, only in the context of applicant Nos.2 and 3.

8. The incident is said to have taken place in the parking lot of the office of the applicant No.1. While the informant claims that the applicant No.1 called her to his office, the applicants have a different version and it is alleged that the informant reached the said place only with a view to create a scene and to embarrass the applicant No.1. As to what actually happened would be a matter of investigation, but it cannot be ignored that the allegations pertaining to the alleged incidents of 11.03.2024 and 22.05.2024 have been made in the backdrop of the failed relationship between the informant and the applicant No.1. In such situations, anger and frustration can lead to exaggeration and this aspect has to be taken into consideration.

9. When the chronology of events as stated by the informant is taken into consideration, it also appears that the FIR can be said to be delayed by about a month, for the reason that the last incident described by the informant is dated 22.05.2024, while the FIR has been registered on 19.06.2024. It is also to be noted that there is no allegation against the applicants of having assaulted the informant with any weapon, and therefore, there is no question of any recovery from them. Taking an overall view of the matter, this Court is of the opinion that if appropriate conditions are imposed and the applicants co-operate with the investigation, relief can be granted in the present application.

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

- A. In the event the applicants are arrested in connection with FIR No.0552 of 2024 dated 19.06.2024 registered with Chatushrungi Police Station, District - Pune City, they shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] each with one or two sureties in the like amount;

- B. The applicants shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 02.09.2024 and thereafter as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not, in any manner, contact the informant or her family in any manner during the pendency of the investigation;
- D. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

12. The applications are disposed of.

(MANISH PITALE, J.)

Minal Parab