

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

Anticipatory Bail Application No.2546 of 2024

Yogesh Shivaji Patil
Aged- 34 Years, Occ-Service
R/at :- Flat No.102, Building No.5
Sanskriti Apt., Meri Gold-2,
Kanakia, Beverly Park, Mira Road (E),
Thane-401107. Applicant.

Vs.

The State of Maharashtra
(at the instance of Sakinaka Police
Station) Respondent.

Mr Ramawadh Pandey for the applicant.
Mr Yogesh Dabke, APP for Respondent/State.

**Coram : R.N.Laddha, J.
Date : 12 September 2024.**

P.C. :

Heard Mr Ramawadh Pandey, the learned Counsel for the applicant and Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.593 of 2024, registered at Sakinaka Police Station, for offences punishable under Sections 115(2), 351(2), 352, 85 read with 3(5) of the Bhartiya Nyan Sanhita, 2023.

3. It is the case of the prosecution that during the Ganpati festival the informant faced scolding and insults from her in-laws. Due to ongoing ill-treatment, the informant left her matrimonial home in January 2023. After a compromise, she returned in July 2023. However, the ill-treatment continued and her husband continued his extra-marital affair. These events prompted the informant to file a report, leading to the registration of the present FIR.

4. Mr Ramawadh Pandey, the learned Counsel for the applicant, submits that the applicant and the informant were residing at a house on Meera Road, while, the parents of the applicant lived at their native place and had come to Mumbai for medical reasons. The informant did not appreciate the parents of the applicant staying with them. The applicant's sisters were married, never lived with the informant, and did not interfere in the applicant's and informant's life. On the contrary, the informant's relatives were meddling in their family matters and encouraged the informant to lodge the complaint. The informant frequently visited her parents' home. The marriage between the applicant and the informant was solemnized on 16 March 2021, and they were blessed with a daughter. The FIR lacks specific allegations to establish a prima facie case against the applicant. After about three years of marriage, the dowry demand claim is baseless and fabricated. The applicant is

ready to cooperate with the investigation.

5. On the other hand, Mr Yogesh Dabke, the learned APP, representing the respondent/State, argues that there is sufficient material available on record indicating the applicant's involvement in the crime. The applicant, who is the husband of the informant, subjected her to cruelty and harassment.

6. On perusal of records, it becomes evident that the applicant's marriage with the informant was beset with matrimonial discord. The allegations are general in nature. The co-accused have already been granted anticipatory bail. There is no indication that the applicant's custodial interrogation is necessary. The investigation is on the verge of completion. The prosecution's concern that the applicant may tamper with the evidence or influence the witnesses can be addressed by imposing appropriate conditions. In these circumstances, this Court is inclined to exercise discretion in favour of the applicant. Accordingly, the application is allowed in the following terms :

- (i) In the event of the applicant's arrest in connection with CR no.593 of 2024 registered at Sakinaka Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more

sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required and shall cooperate with the investigation.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

7. The applicant stands disposed of accordingly.

[R. N. Laddha,J.]