

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2646 OF 2024

Javed Jamil Shaikh ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Nikhil Vijay Adkine for Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.
Ms. Sukeshini Jadhav, API, Kondhva Police Station.

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

P.C. :

. Heard Mr. Adkine, learned counsel appearing for the applicant and Ms.Ambekar, learned APP appearing for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0818 of 2024 dated 07.07.2024 registered with Kondhwa Police Station, District - Pune City, for offences under Sections 3(5), 86, 115(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, as also under Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice, other Inhuman and Aghori Practices and Black Magic Act, 2013.

3. The offences have been registered against the applicant on a detailed statement given by the informant, who is his wife. The tenor of the statement indicates that, the informant is essentially aggrieved by the fact that when she got married to the applicant, she was given an impression that he had divorced his first wife. But subsequently, a lady, claiming to be the applicant's first wife, also joined the matrimonial house of the informant and the applicant. It appears that the two ladies

for some time did stay together, during which period, efforts were made for amicably settling the dispute before the *Bharosa* Cell at Pune. At that point in time, the applicant appears to have given an undertaking that he would take the informant back to the matrimonial house within 15 days, but he did not keep his promise. This prompted the informant to approach the police for registration of the FIR.

4. Although serious offences are registered against the applicant in the present case, the genesis of the dispute appears to be a matrimonial dispute between the informant and the applicant. The co-accused persons have been already granted anticipatory bail by the Sessions Court.

5. This Court is of the opinion that considering the fact that the root cause is the matrimonial dispute, it would be appropriate that the informant - wife of the applicant is made party respondent No.2 in the present application. It would also be appropriate that till the next date of hearing, the applicant is granted interim protection. The applicant is expected to sincerely make an effort to address the grievance of the informant and find a lasting solution to the matrimonial dispute existing between the parties.

6. In the light of the above, leave is granted to the applicant to join the first informant as party respondent No.2. The amendment be carried out forthwith.

7. Issue notice to the respondent No.2, returnable on 25.10.2024, to be included in the supplementary list.

8. Hence, there shall be interim relief in the following terms:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0818 of 2024 dated 07.07.2024 registered with Kondhwa Police Station, District - Pune City,

he shall be released on bail on furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount;

- B. The applicant shall appear before the investigating officer on 03.10.2024 between 10:00 a.m. and 12 noon and thereafter as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.

(MANISH PITALE, J.)

Minal Parab