

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2963 OF 2024**

Ashwini Prakash Daundkar		
@ Ashwini Nandkumar Bodkhe and others	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Vivek Vijay Salunke for applicants.

Mr. Prasanna P. Malshe, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 12th NOVEMBER, 2024**

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No.0280 of 2024 dated 06.06.2024, registered at Chandan Nagar Police Station, District Pune City, for offences under Sections 328, 354, 323, 504, 506, 143, 147 and 149 of the Indian Penal Code, 1860 (IPC).

3. As per the informant, on the date and time of the incident, the accused persons not only assaulted her but also forced her to drink a poisonous substance. She was hospitalized and from the hospital, the statement was recorded leading to registration of FIR.

4. The learned counsel for the applicants submitted that although the allegations against the applicants are serious, the documents annexed with

the application would show that subject FIR is nothing but a counterblast, in the backdrop of an earlier FIR registered at the behest of applicant No.1 against her husband and the informant. It is alleged that the informant is having an affair with the husband of the applicant No.1 and that there is matrimonial discord between applicant No.1 and her husband. Reference is also made to proceeding initiated by applicant No.1 under the provisions of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the DV Act). It is submitted that the applicants are ready to co-operate with the investigation and therefore, this Court may allow the present application.

5. On the other hand, the learned APP submitted that the allegations in the statement of the informant are specific and the role of each of the applicants is described, resulting in registration of the aforesaid offences.

6. This Court has considered the rival submissions in the light of the material produced on record. The documents filed alongwith the application show that prior to registration of FIR, on 07.03.2024 itself, the applicant No.1 had caused an FIR bearing No.0112 of 2024, registered at Chandan Nagar Police Station, District Pune for offences under Sections 498-A, 323 and 504 read with Section 34 of the IPC against her husband and the informant herein. The applicant No.1 has alleged that the informant is having illicit relationship with her husband and in that context, her husband has been harassing her.

7. Copy of the proceeding initiated under the provisions of the DV Act, shows that the applicant No.1 has approached the concerned Magistrate to claim relief under the provisions of the DV Act against her husband. Certain

interim orders have also been passed in her favour in the said proceeding. It is relevant to note that the said proceeding under the DV Act was also filed in March 2024.

8. In this backdrop, when the statement of the informant leading to registration of the subject FIR is perused, it is found that the informant has herself referred to the husband of applicant No.1 and it is claimed that after the incident, he took the informant to hospital. It is relevant to note that applicant Nos.2 to 5 are the parents and brothers of applicant No.1. They are residents of Aurangabad, while the flat is located in Kharadi, Chandan Nagar, District Pune.

9. *Prima facie*, there is substance in the contention raised on behalf of the applicant No.1 that the subject FIR appears to be a counterblast in the backdrop of the matrimonial discord between applicant No.1 and her husband, as also in the backdrop of the specific allegation about illicit relationship between the informant and the husband of applicant No.1. *Prima facie*, the relatives of applicant No.1 i.e. applicant Nos.2 to 5 appear to have roped in, as an act of vengeance. The applicants are ready to co-operate with the investigation and therefore, this Court is inclined to allow the application.

10. Accordingly, the application is allowed in the following terms:

- (i) In the event the applicants are arrested in connection with FIR No.0280 of 2024 dated 06.06.2024, registered at Chandan Nagar Police Station, District Pune City, they shall be released on bail on furnishing PR Bonds of ₹ 15,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

- (ii) The applicants shall remain present before the Investigating Officer on 14.11.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicants shall co-operate with the investigation and also in the proceedings before the trial court.

11. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli