

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3235 OF 2024

Aditya Pandurang Kasar ... Applicant

Vs.

State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.4950 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.3235 OF 2024

Mr. Satyajeet P. Dighe a/w. Mr. Abhijeet F. Khade for Applicant.

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

Mr. Satyavrat Joshi a/w. Mr. Ishan Paradkar for Applicant in IA/4950/2024.

Mr. Harshal Ashirrao, API, Gangapur Police Station, Nashik City.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 04, 2024

P.C. :

. Heard Mr. Dighe, learned counsel for the applicant and Mr. Khan, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0277 of 2024 dated 11.11.2024 registered with Gangapur Police Station, District - Nashik City, for offences under Sections 85, 115(2), 316(2), 351(2), 351(3), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The informant, in the present case, is the wife of the applicant and in her detailed statement given to the police, which led to registration of the FIR, she has given chronology of events from the time when she got in touch with the applicant and eventually married him to the stage when she was constrained to cause the FIR to be registered.

4. This Court is informed that the co-accused persons, who are relatives of the applicant, have been granted anticipatory bail by the Sessions Court, but the prayer of the applicant is rejected.

5. The learned counsel for the applicant referred to the statement of the informant, which led to registration of the FIR and he submits that even if the said statement is to be taken into account, the applicant and the informant have not been staying together from the year 2020. It is submitted that although, at some places, serious allegations have been made, they pertain to the period between 2019 and 2020, while the FIR has been registered in November 2024. It is submitted that in such circumstances, no purpose would be served by insisting upon physical custody of the applicant as he undertakes to co-operate with the investigation.

6. The learned APP as well as the learned counsel, having instructions to appear on behalf of the intervener (first informant) have vehemently opposed the present application. It is submitted that amongst others, there is a serious allegation about the applicant having threatened the informant by means of a gun. According to the learned counsel for the intervener, the said gun is an unlicensed gun and there is possibility of the applicant threatening the informant in future also.

7. This Court has considered the rival submissions in the light of the material brought on record. A perusal of the statement of the informant shows that according to her, she had been financially helping the applicant even prior to marriage and after the marriage took place on 27.04.2019, substantial financial help was rendered by the informant and the valuable items such as jewellery were also given. There is indeed an allegation about the informant being threatened by means of a gun by the applicant, but the said allegation pertains to September 2019. Even as per the statement of the informant, she left the matrimonial house

some time in February 2020 and it appears that thereafter, the two have not resided together. Yet, the informant has made allegations for the period beyond February 2020 till the year 2021.

8. This Court is of the opinion that since the serious allegation regarding use of gun pertains to September 2019, the FIR being lodged in November 2024, *prima facie*, can be said to be delayed with regard to the said specific serious incident. All the other allegations indicate that the grievance of the applicant essentially has its genesis in the matrimonial discord between the applicant and the informant. So long as the applicant is ready to co-operate with the investigation, this Court is inclined to allow the present application. Accordingly, it is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0277 of 2024 dated 11.11.2024 registered with Gangapur Police Station, District - Nashik City, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 06.12.2024 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. Till filing of the charge-sheet, the applicant shall not, in any manner, get in touch with the informant although this will not come in the way of the parties seeking amicable settlement of their mutual disputes;
- D. 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 would make the applicant 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 applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The anticipatory bail application is disposed of.

11. In view thereof, the interim application also stands disposed of.

(MANISH PITALE, J.)

Minal Parab