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

## INTERIM APPLICATION NO. 3920 OF 2024
## IN
## BAIL APPLICATION NO. 632 OF 2024

Priyanka Deepak Sawant ...Applicant

vs.

The State of Maharashtra and Anr. ...Respondents

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| Mr. Balwant Salunkhe | Advocate for the Applicant |
| Mr. A. S. Gawai | APP for the Respondent-State |
| Mr. Sandeep R. Karnik | Advocate for Respondent No. 2 |

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CORAM : S. M. MODAK, J.

DATE : 05th DECEMBER 2024

P. C. :-

1. Heard learned Advocate Shri Salunkhe for the Applicant-first informant and learned Advocate Shri Karnik for the Respondent No. 2-accused and learned APP for Respondent-State.

2. It is true that while granting bail on 02.05.2024, this Court has directed the Respondent – accused not to enter the Kalyan Taluka except for attending Court case. This interim application is for cancellation of the bail on account of breach of that condition. There

are ample materials annexed to the application which shows that the Respondent-accused has entered Kalyan City and the photographs around the mall at Kalyan shows the presence of the Respondent alongwith one lady. There is also non-cognizable complaint lodged. It is on page no. 34.

3. Both the sides have annexed the WhatsApp messages. It is in between the first informant and Respondent-accused, and it is in between the Respondent and one Dr. Patil. The Respondent contacted Dr. Patil for the purpose of some settlement. The above messages also show that both the first informant and Respondent-accused have sent messages to each other.

4. It is choice of the parties to exchange messages but when it comes to the threat perception, the Court has to protect the interest of the victim, who is yet to be given evidence.

5. Learned Advocate Shri Karnik for Respondent No. 2, with all his humility assures that his client will not do such act in the future. There are proceedings initiated by the first informant for divorce and under Domestic Violence Act. She is finding it difficult to serve the Respondent because she is not aware about the address. While granting

bail Respondent was directed to furnish alternate place of the address. Even learned Advocate Mr. Karnik has gone one step ahead and submitted that his client will accept the copy of the domestic violence proceeding. Learned Advocate Mr. Karnik assures that he will instruct his client to appear in domestic violence proceeding. Copy of the domestic violence proceeding is supplied to the Respondent-accused. Even Respondent-accused through his learned Advocate assures to appear in Divorce proceeding. This is recorded because those proceedings should proceed further. Ultimately, those Courts have to decide with the issues independently.

6. With the understanding that the Respondent No. 2– accused will appear in those proceedings and in view of the assurance as per the instructions that he will not commit similar act, I am not inclined to cancel his bail. His correct residential address be informed to Applicant to her advocate.

7. Accordingly, interim application is disposed of.

[S. M. MODAK, J.]



Signed by: Seema Yelkar
Designation: PA To Honourable Judge
Date: 07/12/2024 18:59:49