



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.559/2025

SACHIN GIRIWAR DUBEY ...APPLICANT
VS
THE STATE OF MAHARASHTRA AND ORS. ...RESPONDENTS

...

Adv. Pravada Raut for the Applicant.
Adv. Amit A. Palkar, APP for the Respondent State.
Adv. R. N. Bhawsar for Respondent No. 2.
PI Rajendra Rane, Dindoshi Police Station.

...

CORAM : RAJESH S. PATIL, J.
DATED : APRIL 3, 2025

P.C.:

1. By order dated 5 March 2025 the applicant was directed to attend and meet the investigating officer of the concerned police station. For ease of reference, the said order is reproduced herein below :

“1. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with the First Information Report (FIR) No.964/2024 registered with the Dindoshi Police Station, for the offence punishable under Sections 69, 115(2), 351(2), 352 of the Bhartiya Nyaya Sanhita, 2023.

2. On the basis of the complaint, an FIR has been lodged. The allegations have been made against the present applicant. The informant, according to the complaint, has a son around sixteen years of age, and she has filed complaint on the basis that there was promise to marry with the applicant which he has not fulfilled. Therefore, the offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023 has been invoked apart from other sections.

3. The learned counsel for the applicant submitted that the applicant is aged 31 years and the informant is around 34 years of

age. She submits that the informant has twice got married and got divorce from those marriages. The family members of the present applicant have lodged the complaint with the Kashimira Police Station on 7/12/2024. The photocopy of the same is enclosed at page 44 to 46 of the present anticipatory bail application. However, the police have not taken any action for serious offences committed by the persons who are known to the informant. The present applicant has in fact tried to commit suicide due to the constant pressure and fear of the informant. She submits that the applicant and the informant are both adult and as per allegations, there is physical relationship between them for around four years. She submits that there was no promise to marry, however, the informant started forcing the applicant to marry. There was issue about both following different religion. There were also according to her forcible conversion of religion attempted. She submits that the applicant is ready to co-operate with the police and there is no criminal antecedents reported against the applicant. The learned counsel further submitted that the applicant is ready to attend the concerned police station and will co-operate with police. Even if required to hand over his mobile phone along with password and also he is ready to carry out his medical tests.

4. The learned APP appearing for the State submits that the complaint lodged by the relatives of the applicant is with the Kashimira Police Station and the present FIR is filed with the Dindoshi Police Station. Therefore, the Senior Police Inspector, Kashimira Police Station and the victim need to be added as party respondents in the present application.

5. After hearing both the parties, according to me, suffice would be the purpose if liberty is granted to the applicant to add the Senior Police Inspector of the Kashimira Police Station, M.I.D.C., Mira Road, Thane and the victim as party respondents. Liberty as prayed for granted. Amendment to be carried out forthwith. The learned APP would also serve the copy of the amended anticipatory bail application on the newly added respondents.

6. In the meantime, the applicant to attend the concerned police station i.e. Dindoshi Police Station, on 7/3/2025, 10/3/2025 and 11/3/2025 between 10.00 a.m. to 1.00 p.m.

7. The applicant shall hand over his mobile hand-set and also the passwords of the said mobile phone and the password of the Applications therein to the investigating officer.

8. The applicant shall co-operate with the police to carry out his medical test in the Government Hospital. The applicant shall furnish details of his residential address, contact number and email address to the investigating officer.

9. Stand over to **19/3/2025** under the caption "**for urgent circulation**".

10. In the meanwhile, no coercive steps be taken against the applicant till then.”

2. Thereafter, on 1 April 2025 the submissions of the counsel for the applicant is noted down, whereby, he agreed to handover the documents which are listed and annexed at page No. 63 of the anticipatory bail application. For ease of reference, the said order is reproduced herein below :

“1. Mr. Mundargi, the learned advocate for the applicant, on instructions, submits that as per the list annexed at page 63 of the anticipatory bail application, 13 documents have been mentioned. Out of these, 12 documents were found by the applicant in a bag, which had been left at his residence in Hyderabad. He is ready to hand over 12 documents along with the covering letter to the informant.

2. The applicant is directed to hand over the documents mentioned at page 63, except document 12, to the informant in the presence of the Investigating Officer, today at 8:00 p.m. at the office of the Investigating Officer.

3. The learned advocate for the informant submits that the informant will accept the documents in the presence of the Investigating Officer today itself.

4. Stand over to **3 April 2025** under the caption "**For Directions**".

5. Ad-interim relief, if any, granted earlier to continue till the next date of the hearing.”

3. Today it is submitted before me that the documents as mentioned at page 63 except document no. 12 has been peacefully handed over by the applicant to the first informant in the office of the investigating officer.

4. Mr. Bhawsar, learned counsel for the first informant acknowledges the receipt of the documents. He further submits that one document title as Khulanama is not listed in the list of the item at page no. 63.

He submits that the said document was also left behind in the Hyderabad Flat. Mr. Bhawsar, after taking instructions from his client agrees that the Khulanama is issued by a Kazi and a copy of the same can be sought from the Kazi.

5. In the present proceedings the Khulanama was issued by a Kazi and also a separate Khulanama was executed by the first informant and her husband from whom she has obtained divorce. According to me since, the Khulanama is also prepared by a Kazi, and if, the same is not found, the first informant can take efforts to obtain one more copy of the Khulanama from the concerned Kazi.

6. Having considered the submissions made by the parties and the documents on record, as of date, I am satisfied that the custody of the present applicant is not required. Hence, I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.964/2024 registered with Dindoshi Police Station, the applicant shall be released on bail, on furnishing PR. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall attend and meet the investigating officer of the concerned police station as and when called for.

(d) The applicant shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential address, contact number and email address to the Investigating Officer.

7. 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.

8. **The anticipatory bail application is disposed off as allowed.**

(RAJESH S. PATIL, J.)