



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 929 OF 2024

Nagesh Bhagwan Dhawale

VERSUS

The State Of Maharashtra And Another

...

- Mr. Y. G. Kasod, Advocate h/f. Mr. P. P. Giri, Advocate for Applicant
- Mr. S. A. Gaikwad, APP for Respondents - State
- Mr. A. B. Shirsath, Advocate h/f. Mr. H. V. Patil, Advocate for Assist to PP

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WITH

APPLICATION FOR CANCELLATION OF BAIL NO. 117 OF 2024

Pratiksha W/o Nagesh Dhawale

VERSUS

The State Of Maharashtra And Others

...

- Mr. A. B. Shirsath Advocate h/f. Mr. H. V. Patil, Advocate for Applicant
- Mr. S. A. Gaikwad, APP for Respondent No. 1 - State
- Mr. Y. G. Kasod, Advocate h/f. Mr. P. P. Giri, Advocate for Respondent Nos. 2 to 8

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CORAM : MEHROZ K. PATHAN, J.

DATED : 23.03.2026

PER COURT :

ANTICIPATORY BAIL APPLICATION NO. 929 OF 2024 :-

1. Heard learned counsel for the applicant, the learned APP for the respondent-State as also learned assisting counsel.

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0255 of 2024, dated 03.04.2024 registered with M.I.D.C. Police Station, District Latur for the offences punishable under Sections 498-A, 494, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1960.

3. By order dated 10.06.2024, this Court granted interim protection to the applicant, subject to the condition of furnishing a bail bond of Rs. 15,000/- with one surety in the like amount.

4. Learned counsel for the applicant submits that, in pursuance of the interim order dated 10.06.2024, the applicant has attended the police station and cooperated with the investigation. It is submitted that, in view of such cooperation, the police have filed the charge-sheet in the aforesaid crime. Thus, custodial interrogation of the applicant is not necessary. It is, therefore, prayed that the interim order dated 10.06.2024 be confirmed and the applicant be released on anticipatory bail.

5. As against this, the learned APP and the learned assisting counsel strongly oppose the application, submitting that the allegations against the applicant are serious in nature. It is alleged that the applicant subjected the complainant to cruelty and harassment on account of non-fulfilment of a dowry demand of Rs. 40,00,000/-, purportedly for setting up a hospital. It is further alleged

that the father of the informant paid an amount of Rs. 25,00,000/- to the father of the applicant on 09.07.2023; however, despite the same, the informant was continued to be ill-treated for the remaining amount of Rs. 15,00,000/-.

6. Learned APP and the learned assisting counsel further submit that the applicant was already married prior to his marriage with the informant and had suppressed the said fact. It is submitted that the earlier wife is also arrayed as an accused in the present crime. The allegations are serious in nature and, therefore, this is not a fit case for grant of anticipatory bail.

7. Learned APP further submits that there are allegations that the applicant has threatened the complainant with making her private photographs viral on social media. It is submitted that, if released on bail, there is every likelihood that the applicant may misuse such photographs and obscene material, thereby causing harm to the reputation of the informant.

8. I have perused the investigation papers, the say of the prosecution, and the interim order dated 10.06.2024. The record indicates that, in pursuance of the said interim order, the applicant has attended the police station and cooperated with the investigation. It further appears that a charge-sheet has been filed against the applicant and other accused, which is registered as R.C.C. No. 1059

of 2025 dated 07.10.2025. In view of the filing of the charge-sheet, further custodial interrogation of the applicant does not appear to be necessary. The apprehensions expressed by the learned APP and the learned assisting counsel regarding harassment or intimidation of the informant can be adequately addressed by imposing appropriate conditions.

9. Hence, I am inclined to exercise the powers under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to grant anticipatory bail to the applicant. Accordingly, the following order :-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. The interim order dated 10.06.2024 is hereby confirmed, subject to the following further conditions:
 - A) The applicant shall attend each and every date of the trial, unless exempted by the trial Court for valid reasons.
 - B) The applicant shall not publish any post or circulate any photographs/videos of the informant on any social media platform.
 - C) The Applicant shall also cooperate with the further investigation, if any.

- D) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- E) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

10. Needless to state that a single violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail granted herein.

11. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.

12. In view of the above, the Anticipatory Bail Application stands disposed of.

13. Pending applications, if any, also stand disposed of.

APPLICATION FOR CANCELLATION OF BAIL NO. 117 OF 2024 :-

14. The Hon'ble Supreme Court has, time and again, expressed concern over the tendency to over-implicate relatives in cases of alleged cruelty and harassment. In the present case, the application for cancellation of bail appears to be an attempt to assail the order passed by the learned Sessions Court, which, upon due consideration

of the material on record, granted anticipatory bail to Respondent Nos. 2 to 8, who are the relatives of the husband.

15. It is well settled that an order granting bail ought not to be interfered with in a routine or mechanical manner, in the absence of any supervening circumstances. The learned Sessions Court has granted bail after due application of mind to the facts of the case, including the necessity of custodial interrogation. In the present case, no such circumstances are brought on record so as to warrant interference under Section 439(2) of the Code of Criminal Procedure.

16. In view of the above, the application for cancellation of bail is devoid of merit and is accordingly rejected.

(MEHROZ K. PATHAN, J.)