

Bail Application No. 63/2022

Vishal Chandrabhan Gite .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Nashik-Road Police Station, Nashik.
(Cr. No.I 315/2021) .. Prosecution

Order below Exh.1.

1. This application has been filed by the applicant/accused under section **438 of Cr.P.C.** for releasing him on **anticipatory bail** in the event of his arrest in the aforesaid Crime registered at Nashik-Road Police Station, for the offence punishable under section 363, 364-A, 379, 497 r/w. 34 of the IPC. Accordingly, interim protection was granted to applicant by this Court by order dated 15.01.2022 till filing say by the State.

2. According to the case of Prosecution, the report was lodged by one Prashant Shankar Ranshinge on 30.11.2021 alleging that the accused No.1 is his wife and applicant is the person with whom she is having illicit relations. He came to know that his wife is having extra-marital affair with the applicant. He gave her understanding to stop meeting the applicant. Unfortunately, on 15.11.2021 in between 12.00 noon and 01.00 pm, accused No.1 left her matrimonial house along-with her son Shrawan Prashant Ranshinge and joined the company of the applicant. While leaving her matrimonial home, she took cash of

Rs.1,70,000/- and gold Ornaments with her. The complainant is having apprehension that both the accused persons may kill his child and so he went to the Police station to lodge the report.

Based on his report, police registered the offence and the applicant is apprehending his arrest at the hands of the police. Hence, approached this Court for protection.

3. The learned counsel Mr. A. G. Sonawane appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence and his name is falsely implicated in the present crime. The applicant is a businessman and has roots in the Society so there is no question of his absconding. He further submitted that co-accused has filed various applications against the complainant before Police Authorities for harassment and threats at the hands of complainant. Due to her matrimonial dispute, she left her house. She is the legal guardian of her son and so ingredients of offence of kidnapping is not attracted. Hence, his custodial interrogation is not necessary. There is no criminal antecedents. He is ready to cooperate with the investigation and ready to abide by each and every conditions if any imposed by this Court. The co-accused is already granted anticipatory bail by this Court and as such on the ground of parity, he is also entitled to be released on anticipatory bail. Hence, he prayed for grant of anticipatory bail to the applicant/accused.

4. The Investigating Officer has filed his reply at **Exh.7** and strongly opposed the application stating that the offence is serious in nature and since the registration of the offence, applicant is

absconding. Due to his illicit relations with co-accused, they may kill the innocent Child. As regards the stolen property is concerned, it is to be recovered from the co-accused and the applicant. If protection is granted to applicant, it may hamper investigation.

The Ld. APP Mrs. Reshma Jadhav has submitted her arguments vide Exh.8 in line with the say filed by the investigating Officer and prayed for rejection of the application.

5. After going through the contents of FIR and arguments of both the sides, prima facie, it appears that complainant and his wife i.e. co-accused No.1 are having matrimonial disputes. The accused No.1 is not compatible with the complainant, so she left her house and went along-with applicant. As regards the allegation of kidnapping is concerned, the son is with his own mother, so it will not amounts to kidnapping. As regards the role of applicant is concerned, it is alleged that he facilitated the co-accused in kidnapping the child. The co-accused is already released on bail. Considering the nature of the offence, role assigned to the applicant and also on the ground of parity, I am inclined to grant protection to applicant on following conditions.

Order

1. Application is hereby allowed.
2. Interim protection granted to applicant on 15.01.2022 stands confirmed. In the event of arrest, Applicant/ accused – Vishal Chandrabhan Gite be released on **anticipatory bail** on furnishing his P.R.bond of Rs.15,000/- with one or more sureties in the like amount, on the following conditions.:-

He shall -

- (a) not act in manner injurious to the interest of the prosecution.
- (b) maintain law and order.
- (c) furnish the address of her residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.
- (d) applicant is ordered to attend the concerned police station as and when called by the Investigating Officer and cooperate with the investigation.

3. If the applicant/accused commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

(Smt. S.S. Nair)

Addl. Sessions Judge-4, Nashik.

Date : 01.02.2022.