

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.4 OF 2026

1. Anil Kisan Lokhande
2. Suvarna Anil Lokhande

...Applicants

Versus

The State of Maharashtra

...Respondent

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WITH
INTERIM APPLICATION NO.113 OF 2026
IN
ANTICIPATORY BAIL APPLICATION NO.4 OF 2026

IN THE MATTER BETWEEN:

Anil Lokhande & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Girish Kulkarni, Senior Advocate, *Amicus Curiae*.

Mr. Rajiv Chavan, Senior Advocate (Through Video Conferencing)
a/w Ms. Sonam Pandey, Mr. Rahul Thakur, Mr. Akshay Kumar, Mr.
Sachin Gade and Ms. Asmi Desai, for the Applicants.

Ms. R. V. Newton, APP, for the Respondent No.1-State.

Ms. Surbhi Agrawal, for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 21 JANUARY 2026

PC:-

1. Heard Mr. Girish Kulkarni, learned Senior Counsel appointed to represent the interest of the Applicants, Mr. Rajiv Chavan, learned Senior Counsel appearing for the Applicants, Ms. Newton, learned APP appearing for the Respondent No.1-State and Ms.

Surbhi Agrawal, learned Counsel appearing for the Respondent No.2 – First Informant.

2. This application is filed by the the Applicants i.e. Father-in-law and Mother-in-law of the First Informant under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* seeking pre-arrest bail in connection with CR No.621 of 2025 registered with Vimantal Police Station, Pune City, Pune, for the offences punishable under Sections 85, 351(2), 351(3), 352, 115(2), 64(1), 74, 77, 89, 75(1), 75(2) and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*.

3. At the outset, it is required to be noted that this Anticipatory Bail Application was heard on 5th January 2026 completely and in fact, as this Court was not inclined to grant pre-arrest bail, Mr. Rammani Upadhyay, learned Advocate, who has argued the matter completely on 5th January 2026 has sought time till 6th January 2026 for taking instructions regarding withdrawal of the Anticipatory Bail Application. However, on 6th January 2026, Mr. Rahul Thakur, learned Advocate informed this Court that Mr. Rammani Upadhyay, learned Advocate has been hospitalized and

therefore, the matter was adjourned to 13th January 2026. On 13th January 2026 also , it was informed to this Court that Mr. Rammani Upadhyay, learned Advocate was still admitted in the hospital. Therefore, this Court by order dated 13th January 2026, appointed Mr. Girish Kulkarni, learned Senior Counsel of this Court to represent the interest of the Applicants and kept the matter on 19th January 2026. On 19th January 2026, Mr. Rajiv Chavan, learned Senior Counsel appeared for the Applicants. Accordingly, submissions were heard on 19th January 2026 and 20th January 2026.

4. It is the submission of Mr. Girish Kulkarni, learned Senior Counsel appointed to represent the interest of the Applicants that the custody of the Applicants is sought for the purposes of recording their statements to ascertain the veracity of allegations, as well as to recover gold and silver ornaments, Pistol and Toyota Fortuner vehicle as a part of investigation. It is submitted that the vehicle is already in the custody of the police, and the Pistol has already been surrendered and therefore, nothing remains to be recovered from the Applicants. It is submitted that so far as the ornaments are concerned, save and except for a general averment

such as 55 tolas (550 grams) gold, 2 kg silver, silver deity idols and electronic gadgets there is nothing stated in the FIR as to the specification or classification of said ornaments which can help to identify such ornaments to be able to recover them. It is submitted that the investigation can be carried out without taking these Applicants in custody, unless it is the contention of the prosecution that statements/confessions recorded of the Applicants, under police custody are going to be different than while not being under police custody, the Applicants' police custody is not warranted for that purpose. It is submitted that despite making all the serious allegations, the First Informant is ready to cohabit with the Applicants as can be seen from the notice dated 16th October 2025 issued on behalf of the First Informant and therefore, custodial interrogation of the Applicants is not warranted. It is submitted that as the maximum punishment is only five years, against Applicant No.1 and in respect of Applicant No.2, it is up to 3 years, the custodial interrogation may not be necessary as major allegations are only against the husband i.e. Accused No.1. It is submitted that the law prescribed that at the stage of pre-arrest bail, the facts, the nature and gravity of the offence and antecedents are to be appreciated, without taking a moralistic

approach. Therefore, considering the gravity of the offence attributed to the Applicants, custodial interrogation may not be necessary.

5. Mr. Rajiv Chavan, learned Senior Counsel has pointed out the decision of the Supreme Court in the case of *Siddharam Satlingappa Mhetre vs. State of Maharashtra*¹. It is submitted that if the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided and pre-arrest bail should be granted. On the basis of the decision of the Supreme Court in the case of *Armesh Kumar vs. State of Bihar*², it has been argued that arrest in matrimonial disputes should be an exception, particularly, when allegations are not immediate and custodial interrogation is not warranted.

6. Mr. Rajiv Chavan, learned Senior Counsel pointed out various allegations made against the Applicants and submitted that custodial interrogation is not necessary. He submits that the reasons given by the learned Additional Sessions Judge while

¹ (2011) 1 SCC 694

² (2014) 8 SCC 273

rejecting the Applicants' Anticipatory Bail Application are not in accordance with the record. He submitted that as the FIR records the period of occurrence spans more than two years and as not a single grievance was raised before the husband and that in the age of social media, despite such continuous access to instant communication, there is not a single WhatsApp message, call record or any electronic communication placed on record to show that the First Informant informed her parents, brother, or any close relative about the alleged ill-treatment or allegations of unnatural sexual acts. It is submitted that no complaint was ever lodged in respect of the alleged forced miscarriage. It is submitted that the contents of the FIR show that the exaggerated allegations have been made. It is submitted that the letter dated 12th September 2025 of the husband and First Informant's reply shows that the FIR filed is by taking false contentions. With respect to the decision of the Supreme Court in the case of ***Yogendra Pal Singh vs. Raghvendra Singh alias Prince***³, on which the learned APP and learned Counsel of the Respondent No.2 has relied, it is submitted that the same is regarding cancellation of bail in dowry death case. The gravity of crime committed in the case of ***Yogendra Pal Singh***

3 2025 SCC OnLine SC 2580

(supra) is very serious since the wife died within four months of marriage in a highly suspicious manner. It is submitted that as the order passed by the High Court which was challenged in ***Yogendra Pal Singh*** (supra) was perverse, the said order was set aside. It is submitted that this is not a case where dowry death has taken place. By relying on the order dated 23rd June 2022 passed by a learned Single Judge (Coram: Bharati Dangre, J.) in Anticipatory Bail Application No.1378 of 2022, it is argued that as the incident of unnatural sex was never reported by the First Informant, there is doubt about the prosecution case and therefore, the custodial interrogation is not necessary. It is submitted that as the Applicants are ready to cooperate with the investigation, the custodial interrogation is not necessary.

7. On the other hand, Ms. Newton, learned APP pointed out various statements recorded during the investigation. She submitted that the Applicants are absconding and therefore, there is no question of carrying out investigation. She submitted that police during the investigation have recorded several statements showing that the Applicants are not available. She further pointed out several WhatsApp chats between the First Informant and her

relatives including parents and brother which clearly shows that the First Informant was informing family members about the harassment from time to time and therefore, submitted that the contention raised by Mr. Rajiv Chavan, learned Senior Counsel are baseless.

8. Ms. Newton, learned APP pointed out photographs showing that *inter alia* the Applicants have assaulted the First Informant and also photographs showing burn marks on the palm of the First Informant for which the Applicant No.2 is responsible. She therefore submitted that the offence is very serious and the custodial interrogation of the Applicants is necessary.

9. Ms. Surbhi Agrawal, learned Counsel appearing for the Respondent No.2 submits that since June 2025, the First Informant is staying with her parents and brother as the First Informant was mercilessly assaulted on 8th June 2025. The brother of the First Informant-Rushikesh came immediately and as it was informed to him by the First Informant about the said merciless assault and she was taken to her parents' house and since then she is staying at her parents' house. Ms. Surbhi Agrawal, learned Counsel also pointed

out the FIR and submitted that the custodial interrogation of the Applicants is necessary. She submitted that the Applicant No.1 is a very influential person. She submits that the Applicant No.1 is a politician and has very close connections with the ruling political party in the State of Maharashtra. She submits that the Applicant No.1 is Director and Vice Chairman of the Sant Tukaram Sugar Factory. She submitted that the Applicant No.1 possesses a pistol and has misused the said pistol for threatening the First Informant that she would be killed. She submits that all the accused are absconding. She submitted that despite rejection of the Anticipatory Bail Application by the learned Additional Sessions Judge by order dated 15th December 2025, the Applicants have not been arrested. She submitted that as the Applicants are very influential and very close to the Deputy Chief Minister of the State of Maharashtra and therefore, the Applicants and the accused No.1 have not been arrested. She therefore, submitted that this is a case where the Anticipatory Bail Application be dismissed.

10. Before considering the rival contentions, it is necessary to set out the prosecution case:

i. The marriage between the Accused No.1-Aditya Anil Lokhande and the First Informant was fixed on or about 5th March 2023 and thereafter, on 10th April 2023, engagement ceremony was performed and in these ceremonies, Rs.4,00,000/- and Rs.25,00,000/- have been spent by the father of the First Informant. During the engagement ceremony, the Applicant No.1 i.e. Accused No.2 (father-in-law of the First Informant) created commotion, hurled abuses and beat up the First Informant's family members and threatened the photographer. As the family members of the First Informant decided to cancel the marriage proposal due to the said conduct of the Applicant No.1, however, on the next date, the Applicant No.1-father-in-law sent a message of apology through the mediator and therefore, the marriage was not canceled.

ii. The FIR further mentions that although it was decided that 30 tolas (300 grams) of gold would be given by the First Informant's family members, at the time of marriage, however, the Applicants i.e. in-laws demanded 100 tolas (1000 grams) of gold and Mercedes G-Wagon as dowry. As

the parents of the First Informant refused to give the dowry and sent a message to the Accused No.1-husband that the marriage proposal would be canceled, Accused No.1 sent a message through the mediator requesting to go ahead with the marriage. However, the parents of the First Informant gave 55 tolas (550 grams) of gold, 2 kg of silver utensils and deity's idol and Fortuner Car. The FIR mentions that the marriage took place on 22nd August 2023 and approximately Rs.2 crores were spent by the parents of the First Informant.

iii. After the marriage on 5th September 2023 i.e. on the first birthday of Accused No.1, the Applicants insisted that the First Informant should give him gold kada and asked her parents to honour the son-in-law. As per the said demand, 4 tolas (40 grams) gold kada, watch of Rs.25,000/- and cash of Rs.35,000/- was given to the Accused No.1 as a birthday gift.

iv. Thereafter, the First Informant came to know that the Accused No.1 is addicted to drugs and has taken Rs.2 crores

as loan. The Accused No.1 thereafter, started demanding money from the First Informant for clearing the said loan and threatened her that otherwise he would commit suicide. The Applicants were insisting that the First Informant's father should repay said loan of Rs.2 crores and the Applicant No.1 told the First Informant as follows:

“हा मग तुझ्याशी लग्न कशाला केले त्याने, तुझ्या बापाला सांग त्याच कर्ज फेडायला, तुला काय फुकट सांभाळायची का आम्ही आणि नसेल जमत तर बॅग भर आणि निघ माहेरी”

English translation of the same is as follows:

“Yes, then why did he marry you? Ask your father to repay the loan he has taken, do you want us to maintain you for free and if it is not possible for you to do this, then pack your bags and go back to your parents' house.”

- v. The FIR further narrates that the Applicants started treating the First Informant like a maid servant. The Accused No.4-sister-in-law started insulting the First Informant saying the Accused No.1 could have married someone richer and daughter of MLA. The FIR further records that the First Informant was continuously harassed, abused in filthy language and insulted. The First Informant was subjected to

physical and mental torture. The Accused No.1 subjected the First Informant to unnatural sex and recorded videos of these acts and threatened her that her videos would be uploaded on social media.

- vi. The FIR further mentions that the Applicant No.1 i.e. father-in-law of the First Informant used to harass her by knocking on door and by playing loud music outside the door. When the First Informant questioned the accused about such type of behaviour, they told her that unless her father gives a substantial amount, the harassment would not stop.
- vii. On 22nd November 2023, the First Informant realized that she was pregnant, however, as she was suffering from Chikungunya, medication was given to her and it is her allegation in the FIR that Accused No.1 personally gave her some medicines and pills, due to which she suffered miscarriage. The First Informant informed the same to her father-in-law. At that time, the Applicant No.2 abused and beat her. When the First Informant informed about the said miscarriage to the Accused No.1, he admitted that father

had instructed him not to let the First Informant become pregnant unless her father paid outstanding debt and therefore, he had given her the pills. The FIR further states that despite the First Informant suffering from bleeding and pain, nobody took her to the hospital.

viii. Thereafter, all accused started saying that the Spiritual Leader stated that the First Informant is unlucky for the family and therefore, harassment continued.

ix. Thereafter, the First Informant came to know about the Accused No.1's relationship outside of marriage with some other girl.

x. On 10th May 2025, when the First Informant was at her parent's place, the Accused No.1 came to her house abused her and threatened to kill her, if she returned to his house. However, as the family members have persuaded the Accused No.1 agreed to take her back.

xi. On 2nd June 2025 the Accused No.1 suddenly left for Nashik and the Applicants started blaming the First Informant for

the same. When the First Informant started crying, the Applicant No.1 i.e. father-in-law followed her and held her hand and touched her waist and behaved in an inappropriate manner. The First Informant ran downstairs in fear and informed about the said incident to the Applicant No.2-Mother-in-Law. However, the Applicant No.2 instead of supporting the First Informant, started abusing the First Informant and burned her hand on a hot pan.

xii. On 8th June 2025, Accused No.1-husband returned back to the house and the First Informant informed about the incident to him. He abused and threatened her. The Accused No.1 told the First Informant either she should commit suicide or he would kill her. At that time, the Applicant No.1 i.e. father-in-law came with a pistol and pointed the same at her and abused her again and threatened her that he would kill her. In view of the said incident, the First Informant locked her in a room, called her brother and her brother immediately came and took her to the parents' house.

11. A perusal of the FIR shows that the Applicants are involved in the crime. The contents of FIR *prima facie* shows that all the accused not only harassed, abused, threatened and assaulted the First Informant but also created a situation where she should be constrained to die by suicide or they would have killed her.

12. It is an admitted position that from 8th June 2025, the First Informant is staying with her parents. In this background of the matter, it is required to consider the contentions raised by Mr. Rajiv Chavan, learned Senior Counsel and by Ms. Newton, learned APP and Ms. Surbhi Agarwal, learned Counsel for the Respondent No.2 regarding letter dated 10th September 2025 sent by the Accused No.1 and reply sent by the First Informant. Although it is correct that in the reply sent by the First Informant, she has stated that she does not want to take divorce and she wanted to stay with the Accused No.1, however, the same does not indicate that the offence is not grave and no offence has taken place or false FIR is lodged. In fact, in the FIR also, it is mentioned that in spite of the requests, the accused are not ready to take her back and therefore, the FIR has been filed.

13. Thus, this is a case where in spite of facing grave and serious harassment, abuses, assaults and even the burns as also serious threat to the life, the First Informant wanted to save her marriage. The same is a sad reality of Indian Society, where many victims of domestic violence in spite of facing grave threat to their life continue the matrimonial relationship as due to the orthodox atmosphere, they face social stigma if they separate from husband's family or take divorce. By no stretch of imagination in view of said conduct of the First Informant it can be said that the FIR is false or the same is an exaggerated version.

14. In fact, notice sent through an Advocate dated 16th October 2025 on behalf of the First Informant also mentions as follows:

“५) आमच्या अशिलांना आजही तुमच्या सोबत नांदवयाचे असून तुमच्याबरोबर सुखाने, गुण्यागोविंदाने व आनंदाने संसार करावयाचा आहे म्हणून काही गोष्ट आम्ही उघडपणे सांगू शकत नाही, आमचा तो हक्क आम्ही अबाधित ठेऊन ही नोटीस पाठवत आहे. आजपर्यंत तुम्ही केलेल्या सर्व चुका हे आमचे अशिल माफ करण्यास तयार आहेत, तसेच तुम्हीपण आमचे आशिलांना व्यवस्थित व सुखाने नोंदविण्याची लेखी हमी जेष्ठ व प्रतिष्ठित व्यक्तींसमोर देऊल नांदवयास घेऊन जावे, व तुम्ही पती म्हणून असलेले सर्व कर्तव्य पार पाडावे, संसार हा एकट्या पतीचा अथवा पत्नीचा नसून तो दोघानी मिळून करायचं असतो याची जाणीव तुम्हास व्हावी ही आमच्या अशिलांची मनोभावे इच्छा होती व आहे.”

(Emphasis added)

English Translation of the same reads as under:

“5) My client wants to lead life with you even today and wants to lead married life with you happily, contentedly and harmoniously and therefore, we cannot state certain facts openly and hence, by keeping our said right reserved, I am sending this Notice. My client is ready to forgive all the mistakes you have made till today. Similarly, you, after giving an Undertaking in writing in front of elderly persons and respected persons that even you will lead married life with my client happily and appropriately, take our client home to lead married life with you and that you will fulfill all your duties as a husband. It was and is our client's heartfelt wish that you should understand that marriage is not the responsibility of the husband or wife alone, but it is the bond that both must lead together.”

Thus, even the notice dated 16th October 2025 sent on behalf of the First Informant mentions that as the First Informant wants to have happy married life, certain facts could not be stated openly. Thus, it is clear that, the contention raised that as the First Informant is ready to co-habit together, false FIR is filed or what is stated in the FIR is exaggerated has no basis.

15. It is very significant to note that, Ms. Newton, learned APP has produced file containing the investigation papers which clearly shows that there is material on record to support the allegations

made in the FIR. Thus, the contention which Mr. Rajiv Chavan, learned Senior Counsel has raised is without any basis.

16. In this background of the matter, it is necessary to consider material collected during the investigation just to satisfy about the *prima facie* involvement of the Applicants in very grave and serious crime.

17. However, before consideration of the same, it is relevant to note that various statements recorded during investigation clearly shows that the Applicants and other accused are absconding and not available for investigation. The Supreme Court in the case of *Lavesh vs. State (NCT of Delhi)*⁴ held that if the accused is absconding and is not available for investigation, then such accused is not entitled for extraordinary remedy of pre-arrest bail.

18. Although, it is the contention of Mr. Rajiv Chavan, learned Senior Counsel that there is nothing on record to indicate that the First Informant has sent any message to her family members about the harassment and therefore false FIR is filed, perusal of the investigation papers shows that even before the marriage as well as

4 (2012) 8 SCC 730

after marriage, the First Informant was sharing the harassment which she was undergoing with her family members. In fact, the investigation papers also show that the harassment which the Applicant No.1-father-in-law was doing, was also from time to time informed to the Accused No.1 and certain messages show that the Accused No.1 has accepted the same. Perusal of the record shows that on many occasions there were demands of dowry and in fact, the First Informant refused to ask for money from her parents to be given to the family of the Accused No.1 and the Accused No.1 and other family members started demanding that if the First Informant is not ready to give money by demanding the same from her father then she should give divorce. In fact, the prosecution case is also supported by the First Informant's friend, who was taking education in the year 2020-2021 with the First Informant. During investigation, police have also collected photographs and material showing that the First Informant has been assaulted and also her palm was burnt.

19. It is relevant to note the message which the First Informant has shared in her family WhatsApp group consisting of her parents and brother. Scanned copies of the relevant chats and photograph are as follows:

Shoneek Kapoor.com

Thus, the First Informant on 31st May 2025 sent messages in her family WhatsApp group *inter alia* stating that “Not to worry about her, she is alright”, “Your Daughter is very strong”, “All of you also shall take care, she will take care of herself, Don’t worry”. The First Informant has shared photograph with the parents and stated that she want to be alive for them. These messages show the emotional trauma which the First Informant was facing due to constant abuses, assault, demands which she was subjected to. In fact, the same also shows that the contention which Mr. Rajiv Chavan, learned Senior Counsel has raised on the basis of Accused No.1’s letter dated 10th September 2025 and First Informant’s reply, is without any basis.

20. Ms. Surbhi Agarwal, learned Counsel for the Respondent No.2 relied on certain photographs of the First Informant’s burnt palm, which are set out hereinbelow:-



The above photograph shows that when the First Informant informed the Applicant No.2-Mother-in-Law about the sexual

harassment which she is facing from the Applicant No.1-father-in-law, the Applicant No.2 put her hand on hot pan and burned her palm and fingers.

21. As noted herein above Ms. Newton, learned APP has submitted a file containing the material collected during investigation. In the said file apart from above material there is voluminous material collected during investigation, showing the involvement of the Applicant in the crime. There is material on record *prima facie* supporting the allegations made in the FIR. Although, it is settled legal position that while deciding the Anticipatory Bail Application, the evidence collected need not be considered in detail, the same is set out herein above briefly, as the contention has been raised by Mr. Rajiv Chavan, learned Senior Counsel that a total false FIR has been filed. To substantiate the said contention, writing of the First Informant and the Advocate's notice dated 16th October 2025 has been relied. However, the material on record *prima facie*, shows that there is substance in the prosecution case. Even the said notice dated 16th October 2025 as discussed herein above supports the prosecution case.

22. As noted herein above, the allegations are very serious and grave. It is well settled that among other circumstances, the factors to be borne in mind while considering an application for bail are: (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger of justice being thwarted by grant of bail.

23. The contents of the FIR and the material collected during the investigation show that *prima facie* the accused are involved in the crime. This is a case where it is an admitted position that the marriage took place on 22nd August 2023 and the FIR has been lodged on 5th December 2025 i.e. within a period of 2 years and 4 months. It is an admitted position that the Applicant No.1 is Director and Vice Chairman of the sugar factory. He has contested local elections. He belongs to Shivsena- Eknath Shinde Group and

now he is likely to contest the election of the Zilla Parishad from NCP- Ajit Pawar Group. Both these political parties are part of the ruling party in the State of Maharashtra. In any case, the position on record clearly shows that the Applicants are very influential persons.

24. Perusal of the record shows that although the FIR has been registered on 5th December 2025 and although the learned Additional Sessions Judge, Pune rejected the Anticipatory Bail Application on 15th December 2025, till date the Applicants have not been arrested. In fact, the Applicants are absconding as contended by the learned APP. In any case, considering the material on record, *prima facie*, the Applicants are involved in the crime.

25. If this case is examined on the touchstone of the parameters which are to be taken into consideration while considering bail application, then it is clear that no case is made out for grant of bail. The material on record shows *prima facie* involvement of the Applicants in the crime. The offence is very serious and grave. The Applicants are absconding. The Applicants are very influential

persons. The Applicant No.1 is a politician connected with ruling party. The manner in which the offence is committed and as the Applicants are very influential persons, there is reasonable apprehension of the witnesses being influenced.

26. The Supreme Court in the case of ***Yogendra Pal Singh*** (supra) has while setting aside the order of the Allahabad High Court granting bail to accused has observed in paragraph Nos.25 to 25.3 as under:

“25. This Court cannot lose sight of the fact that marriage, in its true essence, is a sacred and noble institution founded on mutual trust, companionship, and respect. However, in recent times, this pious bond has regrettably been reduced to a mere commercial transaction. The evil of dowry, though often sought to be camouflaged as gifts or voluntary offerings, has in reality become a means to display social status and to satiate material greed.

25.1. The social evil of dowry not only corrodes the sanctity of marriage but also perpetuates systemic oppression and subjugation of women. When such demands transgress the bounds of reason and culminate in cruelty - or worse, in the untimely death of a young bride - the offence transcends the private sphere of the family and assumes the character of a grave social crime. It ceases to remain a mere personal tragedy and becomes an affront to the collective conscience of society.

25.2. The phenomenon of dowry deaths represents one of the most abhorrent manifestations of this

social malaise, where the life of a young woman is extinguished within her matrimonial home - not for any fault of her own, but solely to satisfy the insatiable greed of others. Such heinous offences strike at the very root of human dignity and violate the constitutional guarantees of equality and life with dignity under Articles 14 and 21 of the Constitution of India. They corrode the moral fibre of the community, normalize violence against women, and erode the foundations of a civilized society.

25.3. In this backdrop, this Court is constrained to observe that judicial passivity or misplaced leniency in the face of such atrocities would only embolden perpetrators and undermine public confidence in the administration of justice. A firm and deterrent judicial response is, therefore, imperative - not only to uphold the majesty of law and do justice in the present case, but also to send an unequivocal message that neither law nor society will countenance barbarities born out of the evil of dowry.”

(Emphasis added)

27. The above observations although made in a dowry death case are squarely applicable to the present case. Although it is the contention of Mr. Rajiv Chavan, learned Senior Counsel that the above observations were made in the facts and circumstances of that case and as the said case is concerning dowry death, however, in this case where the FIR clearly records that on number of occasions, threats and abuses were hurled at the First Informant and she has been mercilessly assaulted. In fact, she was subjected to burns. The WhatsApp messages which the First Informant

posted in her Family Group stating that “Your daughter is strong”, “She wants to remain alive for parents”, etc. clearly shows the emotional turmoil which she faced. This is a case where the life of the First Informant was saved as her brother after getting information that Applicant No.1 had threatened her with a pistol and that the First Informant had locked her in a room, immediately went to her place and brought her to the parents’ place . In fact the position on record shows that the Applicant and accused No.1-husband created such a situation that the First Informant could have committed suicide. Thus, the observations in the decision in the case of *Yogendra Pal Singh* (supra) are squarely applicable to this case.

28. The Supreme Court in the decision in the case of *Nikita Jagganath Shetty vs. State of Maharashtra*⁵, held that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further observed that the Court should be very cautious while dealing with the applications for

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anticipatory bail as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

29. The Supreme Court in the case of *State Represented by the C.B.I. Vs. Anil Sharma*⁶ has held that the custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code of Criminal Procedure, 1973 i.e. Section 482 of BNSS. It has been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary.

30. This is case where as already observed herein above, the Applicants are very influential persons, they are connected with the ruling political party of the State of Maharashtra. The position on record shows that they have not been arrested in spite of lodging the FIR and in spite of rejection of their Anticipatory Bail

⁶ (1997) 7 SCC 187

Application by the learned Sessions Court. The material on record shows that they are very influential.

31. Ms. Newton, learned APP submits that they are absconding and therefore, the State will take appropriate steps. The Supreme Court in the case of *Lavesh* (supra) held that if the accused is absconding and is not available for investigation, then such accused is not entitled for extraordinary remedy of pre-arrest bail.

32. Thus, in view of the above discussion and on the touchstone of the parameters of grant of bail, no case is made out for granting pre-arrest bail. Accordingly, the Anticipatory Bail Application is rejected.

33. In view of the disposal of the Anticipatory Bail Application, nothing survives in the Interim Application and the same is also disposed of.

34. This Court places on record its appreciation for the assistance rendered by Mr. Girish Kulkarni, learned Senior Counsel, who was appointed to represent the interests of the Applicants.

[MADHAV J. JAMDAR, J.]