

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No. 810 of 2015

Ghanshyam Magan Chavan. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Amit S. Savale, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for respondent.

Shri. Kiran Nagarkar, Advocate for complainant.

CORAM: T.V. NALAWADE, J.

DATE : 24th FEBRUARY 2015

ORDER:

1) The application is filed for the relief of anticipatory bail. Both the sides are heard. Learned counsel was appointed by complainant for assisting the APP.

2) Crime is registered on the basis of report given by the wife of the present applicant. Their marriage took place on 9-3-2008. She has made allegation that the expenses of the marriage were borne by her parents and

many gift articles were given to the applicant in the marriage. She has contended that dowry of Rs.2.5 lakh was given to the applicant and gold ornaments of 10 Tolas were on her person when the marriage was performed.

3) The wife of the applicant has made allegation that she was kept in a house from Dhule and the applicant was serving at a college from Shahada, District Nandurbar. He was commuting between the two places. It is her case that the applicant and his relatives were harassing her and they were asking her to bring more articles and money from her parents. They were saying that the money is required for education of brother of the applicant. She has made allegation that they were ill-treating her and on many occasions they were assaulting her.

4) She has made allegations that on one occasion attempt on her life was made by the relatives of the applicant by giving shock of electricity. It is her case that in November 2008 the relatives of the husband left that house but the present applicant continued to give ill treatment. It is her case that the applicant used to say that he does not like her and he wanted to take divorce

from her. She has made allegation that the applicant was not bringing even the grocery and vegetables. He was harassing her in every way. It is alleged that she gave birth to a child at her parents house but the applicant and his relatives did not turn up to see the child and the expenses were borne by her parents. It is her case that after three months of the birth of the child she on her own went to Shahada where the applicant was living. There also the relatives of the husband started giving ill-treatment. She has made allegation that the applicant then started living in Dhule and he was visiting the place from Shahada. She has made allegation that the applicant was giving ill-treatment of all kinds to her. The parents of the complainant tried to convince the applicant but he did not improve his conduct. It is her case that the applicant then started demanding Rs. one lakh from her parents as he wanted this amount for doing his Ph.D.

5) In the past when on one occasion she was given ill-treatment, she had approached the women grievance redressal cell created in the police station. It is her case that on that occasion when attempts were made to settle

the dispute, the husband refused to cohabit with the complainant. It is her case that somehow the husband and his relatives were convinced and she was taken back to the matrimonial house.

6) It is her case that even after resumption of cohabitation the husband continued to give ill treatment to her. She has made allegation that the applicant used to consume liquor and he was taking suspicion about her character and he used to give ill-treatment to her by saying that he wanted to marry second wife. It is her case that on second occasion also on 3-9-2014 an application was given to police and at that time attempt was made to convince him to behave properly but his conduct did not improve. She has made allegation that on 9-11-2014 the applicant suspected her character and he gave threat of her life. The complainant then gave a report to the police.

7) It is the case of the complainant that on 2-12-2014 the applicant came to Shahada from Dhule after 5.42 hours and he picked up quarrel. She has contended that the applicant snatched and took the ornaments from her person and he poured kerosene on her person and

attempted to set her on fire. She has contended that she somehow went to the bathroom with her child and closed the door. It is her case that on that day there was curfew in the city for some time and so when she made phone call to police, police did not come. It is her case that ultimately on 5-12-2014 she informed her parents and her parents took her to their house. Report was given to the police on 10-12-2014 and it was sent to the concerned police station and then crime came to be registered for offences punishable under sections 498-A, 307, 406 of Indian Penal Code.

8) The learned counsel for the applicant submitted that virtually there is no explanation about delay caused in giving of the report. He submitted that the so called incident took place on 2-12-2014 and the report was given on 10-12-2014 and this circumstance is sufficient to show that false report was given by the wife of the applicant. The learned counsel further submitted that there is no record of medical examination. This submission is not at all acceptable. There is no allegation that the complainant was set on fire and so in fact there is

no possibility of existence of such medical record. In the past the complainant had approached the women grievance redress cell of the police station. Attempt was made to convince the applicant to behave properly. Before the cell the applicant expressed that he has no desire to resume cohabitation. Such statement was recorded before the cell.

9) The learned counsel for the applicant submitted that the the applicant is a Lecturer and protection needs to be given. This submission is also not acceptable. There are serious allegations against the applicant and in such a case custodial interrogation is a must. There is virtually no reason given by the applicant as to why the wife is making such allegations against him. Apparently it is the case of the wife that she is interested for resuming cohabitation but it is the husband who wants to stay separate from the wife. In the result, the application is rejected.

Sd/-
(T.V. NALAWADE, J.)

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