

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

CRIMINAL APPLICATION NO. 1460 OF 2015

Jafar Patel s/o Gafur Patel & Ors.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. A.M.Nagarkar, Advocate for Applicants.

Mr. M.M.Nerlikar, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 31st MARCH, 2015

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PER COURT :

1. At the out set, learned counsel for the applicants submitted that he does not wish to press the application for anticipatory bail on behalf of applicant No. 1. Hence, he be permitted to withdraw the application on behalf of applicant No. 1. Permission granted. The application filed for anticipatory bail on behalf of applicant No. 1 is dismissed as withdrawn.
2. Heard Mr. A.M.Nagarkar, the learned Counsel for the applicants and Mr. M.M.Nerlikar, the learned A.P.P. for the respondent – State.
3. The first information report is lodged on 6.2.2015. The report is lodged by Shirinbi w/o Jafar Patel. The date of

occurrence is 16.1.2015. Thus, there is a considerable delay in lodging the first information report.

The first information report states that on the day of the occurrence when the first informant had been to her matrimonial house, her husband Jafar Patel asked her as to whether she has brought money from her parents when yesterday she had been to her parental house. The amount was demanded by her husband to purchase Ape rickshaw. When the first informant replied the said question of her husband in negative, he gave kick blow on her stomach. At the relevant time, the first informant was pregnant. He also pulled her hairs. At the said time, it is alleged in the first information report that the present applicant no.2 Sayarbee who is the mother-in-law of the first informant, gave one slap to her and instigated her husband that he should give divorce to the first informant. The first information report further alleges that present applicant no.3 Rizwana also gave a slap to her.

Thus, from the first information report, it is crystally clear that the major overt acts are attributed to the husband by the first informant.

4. Looking to the nature of the accusation made against the applicant no.2 mother-in-law and the applicant no.3, the custodial presence of applicant nos.2 and applicant no. 3 is not essential.

5. In that view of the matter, I propose to pass the following order.

ORDER

(i) Criminal Application filed by applicant no.1 Jafar Patel s/o Gafur Patel is dismissed as withdrawn. He is permitted to file application for regular bail before the learned trial court.

(ii) In the event of their arrest, in connection with Crime No. 28 of 2015, registered at MIDC CIDCO police station, District Aurangabad, for the offences punishable under Sections 316, 498-

A, 323, 504, 506 r/w 34 of the Indian Penal Code, applicant no.2- Sayarabee Patel w/o Gafur Patle and applicant no.3-Rizwana w/o Shaikh Shakil, be released on anticipatory bail on they each executing P.R. bond in the sum of Rs.5,000/- with one solvent surety in the like amount by each of them.

(iii) Bail before the trial court.

(iv) With the above observations, Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1460.2015