

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2017 OF 2015.

ABHIJEET S/O ASHOK DESHMUKH & ORS.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. B.R. Waramaa, Advocate for the Applicants.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **V.M. Deshpande, J.**

DATE : **5th May, 2015.**

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.66/2015 registered with Police Station, Dhule (Taluka), District – Dhule, for the offences punishable under Section.s. 498(A), 420, 468, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

[2] Heard Mr. B.R. Waramaa, learned counsel for the Applicants and Mrs. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Mrs. Vaishali Abhijit Deshmukh (wife of Applicant No.1 - Abhijit Deshmukh). Applicant Nos. 2 and 3 are her parents-in-law. According to the First Informant, on 6th June, 2014 her marriage took place with Applicant No.1 however, on 6th February,

2015 Applicants by using force got executed one stamp paper from her and it was notarized before the Notary. Said document, according to the first informant, is used to show as divorce deed.

[4] On behalf of the State, Hanuman Lahanu Gaikwad, Police Sub Inspector, Police Station Dhule Taluka, District – Dhule has filed his affidavit. Affidavit in reply shows that, he has recorded the statements of the witnesses, who claims that they came to know that Vaishali is ill treated. Thus, it is clear that their evidence is hear say evidence.

[5] Further Mrs. S.G. Chincholkar, learned Additional Public Prosecutor has fairly made a statement before the Court that Investigating Officer has not recorded the statement of Notary, before whom the said document is alleged to have been executed by the present Applicants and the first informant.

[6] In that view of the matter, custodial presence of the Applicants is not at all necessary. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1 – Abhijeet Ashok Deshmukh, Applicant No.2 – Aruna Ashok Deshmukh and Applicant No.3 – Ashok Genda Deshmukh, in the event of their arrest shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.66/2015 registered with Police Station, Dhule (Taluka), District – Dhule, for the

offences punishable under Section.s. 498(A), 420, 468, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

(iii) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)