

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

CRIMINAL APPLICATION NO. 2033 OF 2015

Javid Khan Nasir Khan & Ors.

.... APPLICANTS

V E R S U S

The State of Maharashtra & Anr.

.... RESPONDENTS

.....

Mr. P.B.Pawar, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for R- 1 State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 30th APRIL, 2015

.....

PER COURT :

1. This is an application for anticipatory bail in connection with Crime No. 49/2015 for the offence punishable u/s 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code registered with police station Azadnagar, Dhule, Dist. Dhule.

2. Heard Mr. P.B.Pawar, learned counsel for Applicant and Mr. A.S.Shinde, A.P.P. for Respondent No. 1-State.

3. F.I.R. is lodged by Shahinbi on 25/03/2015.

According to F.I.R., on 15/06/2014, her marriage took place with applicant No. 1 Javid Khan. Applicant Nos. 2,3 and 4 are father-in-law, mother-in-law and brother-in-law of Shahinbi, whereas applicant No. 5 is wife of applicant No. 4 and applicant No. 6 is also brother-in-law of Shahinbi. Applicant Nos. 7 and 9 are the married sister-in-law of the first informant, whereas applicant No. 8 is the husband of applicant No. 9. Thus, the entire family is roped in by the first informant. The nature of accusations are most general in nature. In the F.I.R. itself, it has been stated that on 05/01/2015, applicant No. 1 Javid Khan has given 'Talak'. However, first informant is not agreeable to the same. She may have different remedies for the same. Though the offence is registered u/s 323 of the Indian Penal Code, there is no injury certificate available in the investigation papers. In that view of the matter, custodial presence of the present applicants is not at all necessary.

4. Hence, I pass the following order :

(i) Present application is hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 49/2015 for the offence punishable u/s 498-A,406,323,504,506 read with 34 of the Indian Penal Code registered with police station Azadnagar, Dhule, Dist. Dhule, present applicant Nos. 1 to 9 be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees

Five Thousand] with one solvent surety of like amount by each of them.

(iii) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2033.2015