

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

CRIMINAL APPLICATION NO 2743 OF 2015.

SHRIDHAR S/O BHIMRAO DHALWAR AND ANOTHER.
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER.

Appearance =>

Mr. Ganesh P. Shinde, Advocate for the Applicants.

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

CORAM : V.M. Deshpande, J.

DATE : 11th June, 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. 90/2015 registered with Police Station, Ambajogai (City), District - Beed for the offences punishable under Section/s 498(A), 377 read with 34 of the Indian Penal Code.

[2] Heard Mr. Ganesh P. Shinde, Advocate for the Applicants and Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State.

At the outset, the learned counsel for the applicants submitted that he has instructions to withdraw the application filed on behalf of Applicant No.2 – Vishesh Rameshar Lahakpure.

In that view of the matter, application filed on behalf of Applicant No.2 – Vishesh Lahakpure is dismissed as withdrawn.

[3] After hearing the learned counsel for the applicant and the learned Additional Public Prosecutor for the State, it is clear that the marriage of the first informant took place with Applicant No.2 – Vishesh Lahakpure on 27th January, 2015. All allegations in respect of offence punishable under Section 377 of the Indian Penal Code are made by the victim against her husband. There is no iota of allegations against the present applicant. According to First Information Report, Rs.25,000/- were given to applicant Shridhar however, it appears that demand was made by husband of victim.

[5] Looking to the nature of the allegations made against the present applicant, who is resident of Yewatmal and he is maternal uncle of the husband of the first informant, in my considered view, his custodial presence is not necessary in the further investigation. Hence, I pass the following order :-

ORDER

(i) Criminal Application is partly allowed.

(ii) Criminal Application filed by Applicant No.2 - Applicant No.2 – Vishesh Rameshar Lahakpure is hereby dismissed as withdrawn.

(iii) In the event of his arrest, Applicant No.1 – Sridhar Bhimrao Dhalwar shall be released on anticipatory bail on he executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] with one solvent surety in the like amount, in connection with CR No. 90/2015 registered with Police Station, Ambajogai (City), District - Beed for the offences punishable under Section/s 498(A), 377 read with 34 of the Indian Penal Code.

(iv) With this Criminal Application is partly allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)