

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

CRIMINAL APPLICATION NO. 5476 OF 2015

Dr.Koustubh s/o Dilip Thakur
and Anr.

..... APPLICANTS

V E R S U S

The State of Maharashtra & Anr.

.... RESPONDENTS

.....

Mr. R.S.Deshmukh, Advocate for Applicants.

Mrs. M.A.Deshpande, A.P.P. for R.No.1 - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 23rd NOVEMBER, 2015

ORAL ORDER :-

. Here is an application for pre-arrest bail in Crime No. 125/2015 registered with Amalner police station, district Jalgaon for the offences punishable u/ss 354,323,504 read with section 34 of the Indian Penal Code.

2. Heard Mr. R.S.Deshmukh, learned counsel for the Applicants and Mrs. M.A.Deshpande, learned A.P.P. for respondent – State. Perused papers of investigation.

3. Prosecution case in brief is as under.

(i) Complainant Shraddha is the wife of applicant No. 1 Dr. Kaustubh. They were married on 14/07/2013. Applicant No. 2 is the father of applicant No. 1 and father-in-law of the complainant.

(ii) On 08/09/2015 report was lodged by complainant with police station alleging that when she had been to Drushti eye care hospital at Amalner at around 6.30 p.m. along with the child delivered at her maternal place to cohabit with her husband she was assaulted and abused by the applicants and so appropriate action be taken against them.

4. According to the applicants they are Govt. officers. Applicant No. 1 is serving as Medical Officer at District hospital, Dhule and applicant No. 2 is working as Naib Tahsildar at Amalner. Applicant No. 1 was present in the hospital and applicant No. 2 attended workshop at Jalgaon on 08/09/2015.

5. Another contention of the applicants is that informant had left the matrimonial house on 26/01/2015 for the delivery and then she never returned. On 31/08/2015 applicant No. 1 issued registered notice through his Advocate to the complainant calling upon her to cohabit with him. She received the notice and thereafter on 08/09/2015 filed a false complaint against the applicants. It is submitted that F.I.R. is nothing but an attempt to harass the applicants who are the Govt. servants and in this premise applicants be protected by

granting pre-arrest bail.

6. Learned A.P.P. referred to the supplementary statement of complainant and submitted that at the time of incident applicants, complainant and her child were the only four present and the injury certificates of complainant and the child show that there were injuries on the person of complainant and the child. Learned A.P.P. submitted that considering the seriousness of offence custodial interrogation of applicants would be necessary and as investigation is in progress she prays to reject the application.

7. It can be seen from the copy of attendance roll that on 08/09/2015 applicant No. 1 was present in the hospital at Dhule. Copy of attendance sheet shows that on 08/09/2015 applicant No. 2 was present in the workshop held at Jalgaon from 11.00 a.m. to 8.00 p.m. Incident occurred at Amalner. The attendance roll in respect of applicant No. 1 and attendance sheet in respect of applicant No. 2 placed on record create doubt regarding presence of applicants at Amalner and their prima facie involvement in commission of crime as alleged by the complainant.

8. It appears that there is matrimonial dispute between the parties. Custodial interrogation of applicants would not be necessary.

9. In the light of the above and considering the

nature of offences, severity of punishment and allegations levelled in F.I.R., this Court is inclined to allow the application. Hence, the following order.

10. (i) Criminal Application No. 5476 of 2015 is allowed in terms of prayer clause 'A'.

(ii) In the event of arrest of applicant No. 1 Dr.Koustubh s/o Dilip Thakur and applicant No. 2 Dilip s/o Mansaram Wankhede in Crime No. 125/2015 registered with Amalner police station, district Jalgaon for the offences punishable u/ss 354,323,504 read with section 34 of the Indian Penal Code each of them shall be released on bail on P.R. and S.B. of ₹ 15,000/- [Rupees Fifteen Thousand] each.

(iii) They shall not tamper with the prosecution evidence and shall make themselves available as and when required by the investigating agency.

**[INDIRA K. JAIN]
JUDGE**