

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6391 OF 2014

AMIT S/O SADASHIV BAGUL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Ghanekar Nilesh S.
APP for Respondents: Mr. R. P. Phatke

CORAM : T.V. NALAWADE, J.

DATE : 6th January, 2015

PER COURT :

1. The application is filed for anticipatory bail. Both the sides are heard.
2. The crime is registered on the basis of report given by one Smt. Mohini, wife of applicant No.1. Her marriage took place on 17.02.2012. The applicants are from Kannad but the applicant No.1 is practicing as Doctor in Mumbai.
3. It is the case of the complainant that she was asked to stay in the house of parents at Kannad and so she started living there. She has made allegations that the husband and his relatives were asking her to bring money as they believed that she had saved some money as in the past she

was in service and on that count there was harassment to her. It is her case that her ornaments are also taken away. It is her case that she delivered a male child in the house of her parent on 25.02.2013 but after that no efforts were made by her husband to take her back to the matrimonial house. It is her case that on 15.09.2013, the relatives of the husband came but they picked up quarrel and they did not take her back to the matrimonial house. She approached redressal forum but there also no interest was shown to take her back to the matrimonial house.

4. Learned APP made a statement that initially the crime was registered for the offences punishable under sections 498A, 323, 504, 506 r/w section 34 of the Indian Penal Code but subsequently section 406 IPC also came to be added.

5. It appears that husband did not take any steps to bring wife back to the matrimonial house. It is the wife who took steps to settle the dispute and she went to even redressal forum created for that purpose.

6. The main allegations can be said to be as against the husband and that he was not showing any interest for resuming cohabitation. He has not made any provision for maintenance of the wife and his son. He is living in Mumbai.

7. The learned counsel for the applicants submitted that only the neglect of the husband cannot be sufficient to bring his act under Section 498-A of the Indian Penal Code. There are allegations as against the husband and other relatives of the aforesaid nature. At this stage it can be said that there is a prima face case for the aforesaid offences as against the husband as it is the husband who is expected to take care of the wife.

8. In view of the aforesaid circumstances, this court holds that relief needs to be granted in favour of applicants Nos. 2 and 3 who are parents. Interim relief granted in favour of applicant Nos. 2 and 3 is confirmed. Interim relief granted in favour of applicant No.1 husband stands vacated.

9. The criminal application is disposed of.

(T.V. NALAWADE, J.)

JPC