

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

Criminal Application No.6449 of 2014

Padmakar S/o. Julal Patil.

.. Applicant.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. Mukesh K. Goyanka, Advocate, for applicant.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for
respondents.

CORAM: T.V. NALAWADE, J.

DATE : 13th JANUARY 2015

ORDER:

1) The application is filed for the relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation which include statements of witnesses. In addition to this record there are affidavits of some neighbours.

2) Crime is registered on the basis of report given by the prosecutrix for offences punishable under sections

448, 392, 354-A etc. of the Indian Penal Code. She has made allegations that in one incident dated 1-11-2014 after 9.30 p.m. when the complainant and her husband were sleeping in the house the applicant entered the house and caught hold of the complainant. Allegations are made that then her husband woke up. Thereafter the applicant left the house of the complainant and while leaving the house he took away gold ornament of the complainant. It is her case that she went to the house of the applicant and when she made inquiry with the wife of the applicant she disclosed that the applicant was drunk and the complainant should ignore the incident. It is her case that when she was returning her husband suspected her character and he gave beating to her. About the incident dated 1-11-2014, she gave report on 3-11-2014.

3) There are affidavits showing that the complainant is involved in illicit liquor business. Statements of neighbours recorded by police show that they did not witness any such incident and there was no hue and cry from her house. Learned counsel for the applicant submitted that he is a teacher and is getting

salary of Rs.40,000/- per month. He submitted that cotton from the field of the applicant was stolen and he made inquiry with the complainant. Then the present complaint came to be filed. It can be said that the investigating agency virtually is considering the contentions made for the complainant. There is clear possibility of false implication.

4) In view of the aforesaid circumstances, the interim relief is confirmed. The applicant is to visit the concerned police station on every Sunday between 9.00 a.m. and 12.00 noon for the purpose of interrogation and he is to cooperate the police. This is to be done for one month from today.

Sd/-
(T.V. NALAWADE, J.)

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