

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

CRIMINAL APPLICATION NO. 6048 OF 2015

Sumit s/o Dinkar Dandgavahan
& Ors.

..... **APPLICANTS**

V E R S U S

The State of Maharashtra & Ors.

.... **RESPONDENTS**

.....

Mr. Y.S.Choudhari, Advocate for Applicants.

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

.....

CORAM : INDIRA K. JAIN, J.

DATE : 2nd DECEMBER, 2015

ORAL ORDER :-

. Here is an application for pre-arrest bail in Crime No. I-180/2015 registered at Kopargaon (City) police station, district Ahmednagar for the offences punishable u/ss 498 (A) and 420 of the Indian Penal Code.

2. Heard Mr. Y.S.Choudhari, learned counsel for applicants and Mrs. M.A.Deshpande, learned A.P.P. for Respondent No. 1 – State. Perused papers of investigation.

3. Complainant Akansha is wife of applicant

No. 1 Sumit. They were married on 27/05/2015. Prosecution case as it appears from F.I.R. is three fold :

- (i) Applicant No. 1 was impotent. This fact was suppressed.
- (ii) At the time of settlement of marriage applicants stated that they own a house. No house was in fact owned by them.
- (iii) Illtreatment to complainant at the hands of applicants and other relatives on demand of ₹ 5,00,000/- [Rupees Five Lacs].

4. So far as alleged impotency of applicant No. 1 is concerned, medical certificate dated 24/10/2015 issued by Dr. Prasanna Gadre has been placed on record which negatives the contention of complainant that applicant No. 1 was impotent.

5. In respect to ownership of house, copy of assessment list issued by Chief Officer, Nagar Panchayat, Dindori has been produced. It shows that house admeasuring 900 Sq.Ft. is owned by applicant No. 3.

6. Regarding illtreatment to complainant at the hands of applicants and other relatives allegations in F.I.R. are vague and no specific role is attributed to each of the applicants.

7. During investigation statement of mediator Sadashiv Trimbak Dusane was recorded on 18/09/2015. He stated that complainant disclosed to him regarding impotency of applicant No. 1 and wrong information in respect of ownership of house. There is no whisper in the statement of mediator Sadashiv Dusane about illtreatment at the hands of applicants on alleged demand of ₹ 5,00,000/-.

8. In this premise and considering the allegations in F.I.R. and short stay of complainant with applicants prima facie involvement of applicants in alleged commission of crime appears to be doubtful. This Court is thus inclined to allow the application. Hence, the following order.

ORDER

- (i) Criminal Application No. 6048 of 2015 is allowed.
- (ii) Interim protection granted to applicants vide Order dated 06/11/2015 is confirmed.
- (iii) In the event of arrest of applicants in Crime No. I-180/2015 registered with Kopergaon (City) police station, district Ahmednagar for offences punishable u/ss 498 (A) and 420 of the Indian Penal Code they shall be released on bail on P.R. and

S.B.of ₹ 15,000/- [Rupees Fifteen Thousand]
each.

- (iv) Applicants shall not tamper with the prosecution evidence and shall make themselves available for investigation as and when required.

[INDIRA K. JAIN]
JUDGE