

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 6761 OF 2014****MANOJ S/O SOPANRAO TONDE****VERSUS****THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Chawre Anand

APP for Respondent-State: Mr. M. N. Nerlikar

Advocate for Respondent No.2 : Mr. A. D.Aghav

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CORAM : T. V. NALAWADE, J.**DATE : 8th January, 2015****PER COURT :**

1. The application is filed for anticipatory bail. Heard both the sides.

This Court has perused papers of investigation.

2. The crime is registered on the basis of report given by the wife of the present applicant. The marriage took place on 18.04.2014. She has made allegation that ill treatment was given to her and demand of Rs.10 lac was made by the applicant. She has made allegation that the applicant had concealed his previous marriage and after marriage, he had brought his previous wife Alka before her and she was shown to her. She has made allegations that when she opposed to this relationship, she was driven out of house on 12.08.2014. It is her case that she was virtually abandoned on road outside the City of Latur and there her son aged about two and half years was snatched away from her by the applicant. It is her case that on 06.09.2014 when she was at Khandala, in the House of her parent, the

applicant and his relatives came there and they gave threats and they picked up quarrel there also. It is her case that the husband is giving threat of life to her and is giving all types of ill-treatment to her on aforesaid counts.

3. The learned counsel for the applicant submitted that the incident dated 06.09.2014 is false as on that day the applicant was in Rajasthan. This defence of alibi cannot be considered at this stage. The learned counsel for the applicant submitted that only to make it possible to file report in police Station of Beed, some allegations in respect of incident dated 06.09.2015 are made. However there are also allegations of second marriage and concealment of the first marriage. There are also allegations of ill-treatment of aforesaid nature.

4. The learned counsel submitted that the proceedings were filed under section 97 of the Cr.P.C. and there, the complainant failed so she is harassing the applicant by filing such report. This contention also cannot be considered at this stage. The aforesaid material is sufficient to make out the prima facie case for the offence punishable under section 498A of the Indian Penal Code. This Court holds that this is not a fit case to grant anticipatory bail. The application is rejected. Interim relief is vacated.

(T. V. NALAWADE, J.)

JPC