

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.512 OF 2015

Mahesh Rajendra Kanse & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.Avinash Kamkhedkar for the Applicants
Ms.A.A. Mane, APP, for Respondent – State
Mr.M.S. Talwar, PSI / Investigating Officer, Indapur police station, Pune -
present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 13, 2015**

P.C.:

1. This application is moved for pre-arrest bail as the applicant/accused is prosecuted under section 498A, 313, 323, 504 and 506 r/w section 34 of the Indian Penal Code. The crime is registered at C.R. No.65 of 2015 with the Indapur police station. The applicant/accused No.2 is the sister in law of the complainant and the applicant/accused No.1 is the husband of the applicant No.2. It is the case of the prosecution that the complainant got married with the co-accused on 26.5.2014. Thereafter, she started residing with her husband. After marriage, the husband and the father in law, mother in law alongwith the co-accused started demanding money to the tune of Rs.1 lakh and

expenditure of video shooting of Rs.20,000/- and so also some articles from her father.

2. It is the case of the complainant that her husband and her in-laws used to quarrel with her by picking up on trivial issues in respect of the marriage. He used to torture her. They used to abuse her physically and mentally. She reported this to her father. However, her husband, the applicants/accused and the co-accused dropped her at her father's place and refused to take her back. In between, she got pregnant. However, on 21.11.2014, the applicants/accused and the co-accused, admitted her in the hospital and when she was in the hospital, they aborted the foetus. Thereafter, they left her in the hospital and drove her out of the house. Hence, the complaint.

3. The learned Counsel for the applicants/accused submitted that the husband is absconding. The father-in-law and the mother-in-law were granted anticipatory bail due to their old age. It is submitted that the applicant/accused No.2 is the sister of her husband. They are staying separately and they have not committed any offence.

4. The learned Prosecutor submitted that it is the case of a torture. Though the applicants/accused have a separate residence, it is in the same vicinity and there are specific charges of torture against them.

5. Perused the FIR and the supplementary statement, which is relied on by the learned Prosecutor. There are general charges against all the accused Nos.1 to 5 and there are also specific charges against her husband. Though there are some charges in the supplementary statement, those are of instigating her husband to abuse her. After considering the allegation of compelled abortion, in the absence any specific role attributed against them, I grant pre-arrest bail as under:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence;
- iii) The applicants shall not indulge into any kind of offence while on bail;
- iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Thursday, between 12 noon to 2 pm, till 31.5.2015.

6. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)