

(1)

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

CRIMINAL APPLICATION NO. 262 OF 2016

Vinay s/o Gajananrao Deshpande,
Age: 31 years, Occu: Service,
R/o. Vrandavan Colony, Nanded,
at present- Baner, Pune

...APPLICANT

VERSUS

The State of Maharashtra,
Through Officer in-charge of Police Station,
Nanalpeth Police Station, Parbhani,
Dist. Parbhani

...RESPONDENT

Mr C. R. Pawar, Advocate for applicant;
Mr K. D. Munde, Public Prosecutor for respondent;
Mr N. V. Gaware, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 15th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant is seeking pre-arrest bail, in connection with C.R. No.236 of 2015, registered with Nanalpeth police station, Parbhani, for offences punishable under sections 498-A, 313, 323, 420, 504 and 506 read with section 34 of the Indian Penal Code.

2. The applicant herein got married to the complainant on 3rd December, 2014. It is claimed in the first information report that while settling the marriage, an impression was given to the complainant and her parents that the applicant is a qualified person and gainfully employed in a company at Mumbai. It is further claimed in the complaint that it is

(2)

because of the conduct of the present applicant, the complainant was made to terminate her pregnancy without her consent. One of the grounds for termination of pregnancy was the cruelty meted out to the complainant by the applicant and his family members.

3. While trying to make out a case for grant of pre-arrest bail, learned Counsel appearing on behalf of the applicant has made two-fold submissions; (a) that all the family members of the applicant are roped as accused and (b) there is delay in lodging the first information report. Thus, he prayed for grant of the application.

4. Learned Addl. Public Prosecutor, who is assisted by the learned Counsel appearing on behalf of the complainant, opposed the application on the ground that over all conduct of the applicant does not depict any neutral approach on his part. He would urge that there is sufficient material available on record *prima facie* depicting involvement of the applicant in the crime in question. According to him, in the fact situation of the instant case, custodial interrogation of the applicant is necessary. Thus, he prayed for rejection of the application.

5. Perused the investigation papers. It is required to be noted that all the family members of the applicant, namely, his father, mother, sister and husband of the sister are released on pre-arrest bail by the learned Sessions Court.

(3)

6. There are serious allegations against the present applicant as regards his conduct before and after the marriage, which has resulted into termination of pregnancy of the complainant without her consent. There is sufficient material available on record, which *prima facie* depicts involvement of the applicant in the crime in question.

7. The alleged claim of employment and termination of applicant also raises a serious doubt as appointment order is not produced. The allegations are about offence under sections 420 and 498-A of the Indian Penal Code.

8. In the above background, in my opinion, no case for grant of pre-arrest bail is made out. In the result, the application fails and stands rejected.

9. At this stage, learned Counsel appearing on behalf of the applicant prays for continuation of the interim protection granted by this Court vide order dated 15th January, 2016, for a period of four weeks. The interim protection granted by this Court vide order dated 15th January, 2016, shall continue for a period of four weeks from today.

(N.W. SAMBRE, J.)

amj