

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

CRIMINAL APPLICATION NO.575 OF 2016

Sitaram s/o Pralhad Maldude,
Age: 31 years, Occ: Agri.,
R/o. Ner, Tq. & Dist. Jalna.

...Applicant

versus

The State of Maharashtra
Through Police Station Moujpuri,
Dist. Jalna.

...Respondent

.....
Mr. S.J. Salunke, Advocate for applicant
Mr. S.J. Salgare, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 4th FEBRUARY, 2016

ORAL ORDER :

Applicant is seeking pre-arrest bail in Crime No. 6 of 2016, registered on 12/01/2016 for the incident of same date, for which intimation was given to police station at 10-15 p.m., with Moujpuri Police Station, District Jalna, for the offence punishable under Sections 354, 323, 504, 506 of Indian Penal Code.

2. Learned Counsel for the applicant would submit that the applicant is entitled for pre-arrest bail as there was earlier dispute between the applicant and complainant in relation to refund of amount and when the applicant went to the place of complainant for

collecting the said refund amount, husband of complainant has assaulted him, resulting into filing in complaint for the offence punishable under Sections 323, 504, 506 read with Section 34 of Indian Penal Code, for which intimation was given to the police station on the same day i.e. 12/01/2016 at 08-15 p.m. According to him, the applicant is falsely implicated in the crime and the punishment as is provided contemplates the offence to be not serious.

3. Learned A.P.P. opposed the application on the ground that the statement of the victim is sufficient evidence.

4. Perused the investigation papers, complaint filed earlier in point of time by applicant against the complainant and her husband and F.I.R.

5. *Prima facie*, it appears that the applicant is named as accused in the crime of which intimation was given to the police station after about 6 hours, prior to which, N.C. was registered against the complainant and her husband at the behest of applicant.

6. In view of above, false implication of the applicant in the crime in question cannot be ruled out. As such, in my opinion, the

applicant is entitled to be released on bail. Hence, the following order:-

In the event of arrest, the applicant be released on bail, in connection with Crime No. 6 of 2016, registered with Moujpuri Police Station, District Jalna, for the offence punishable under Sections 354, 323, 504, 506 of Indian Penal Code, upon executing P.R. bond of Rs.15.000/- with one surety in the like amount. The applicant shall attend the concerned police station on 10th February and 11th February, 2016 in between 10-00 a.m. to 12-00 noon and thereafter as and when called by Investigating Officer.

7. Criminal Application is allowed in above terms.

[N.W. SAMBRE, J.]