

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

CRIMINAL APPLICATION NO.665 OF 2014

Sunil s/o Shivaji Shirsath,
Age 27 years, Occu. Nil
R/o At Post Mohane road,
Shahad (W), Kalyan,
Taluka Kalyan, Dist. Thane

..Applicant

Versus

The State of Maharashtra
Through Police Station Officer,
Dhule City Police Station, Dhule
Taluka and District Dhule

..Respondent

Mr S.P. Brahme, Advocate for applicant
Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 10th February 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.236/2015, registered on 11th December 2015 at Dhule City Police Station, Dhule, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with Sec.34 of Indian Penal Code, for an incident occurred in between 24th March 2014 to May 2015.

3. The prosecution case against the applicant is, the applicant, after having married with the complainant started ill-treating her along with his family members and demanded dowry of Rs.2 lakhs.

4. Learned Counsel for the applicant, while trying to make out the case for grant of pre-arrest bail would urge that apart from the delay of about six months in lodging the F.I.R., the story as is narrated is

contrary to what has been stated in the proceedings under Section 125 of Cr.P.C. and the stand taken in the proceedings for restitution of conjugal rights.

5. According to applicant, all the family members of the applicant are impleaded as accused in crime in question, particularly in view of the fact that the father-in-law of complainant is in Police department.

6. Learned A.P.P. opposed the application on the ground that the custodial interrogation of the applicant is very much necessary, as the *stridhan* was removed from the custody of complainant. He would then urge that it is, within a period of six months from the date of marriage, the differences arose and there is presumption as against the applicant as regards crime in question.

7. Having bestowed my anxious thoughts to the submissions made, it is required to be noted that there is delay of about six months in lodging the F.I.R. The contents of F.I.R. are based on the fact that the demand of dowry is made for securing employment by the applicant-husband, whereas the stand taken in the other proceedings appears to be that the demand of dowry to the tune of Rs.7 to Rs.8 lakhs for buying the house. In my opinion, false implication cannot be ruled out, in view of filing of matrimonial proceedings between the parties.

8. As such, the applicant is entitled to be released on bail.

9. In the event of arrest in Crime No.236/2015, registered on 11th December 2015 at Dhule City Police Station, Dhule, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with Sec.34 of Indian Penal Code, the applicant be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.
10. The applicant to attend the concerned Police Station on 15th, 16th and 17th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called.
11. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr