

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

CRIMINAL APPLICATION NO.1129 OF 2016

Pramod s/o Vijay Sadanshiv,
Age 24 years, Occu. Photographer,
R/o At post Village Mudi,
Taluka Amalner, District Jalgaon

..Applicant

Versus

1. The State of Maharashtra,
through Superintendent of Police,
Dhule, District Dhule
2. The Police Inspector,
Mohadi Police Station, Dhule
District Dhule

..Respondents

Mr M.S. Sonawane, Advocate for applicant
Mr M.M. Nerlikar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 1st March 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.150 of 2015 registered at Mohadi Nagar Police Station, District Dhule, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with sec.34 of Indian Penal Code.

3. It is claimed that the incident in question took place on 28th December 2015.

4. The prosecution story against the applicant is, the applicant married to complainant Jyoti on 11th April 2015 and thereafter there was consistent demand of dowry. As the demand was not honoured, the complainant Jyoti was subjected to cruelty. Lastly, on 28th

December 2015, Jyoti was assaulted by applicant and his friend at her parental place.

5. In this background, learned Counsel for the applicant, while trying to make out the case for grant of pre-arrest bail, would urge that the applicant is falsely implicated in the crime in question along with his entire family members.

6. He would then urge that perusal of the F.I.R. narrated the complete improbable and non-convincing story. He submits that the applicant in the above referred background be released.

7. Learned A.P.P. opposed the application on the ground that the incident has occurred within eight months of the date of marriage and there is injury certificate dated 28th December 2015, which speaks of blunt trauma suffered by complainant, Jyoti. It is further submitted by him that the statements of witnesses support the prosecution case and as such, sought rejection of application.

8. Having gone through the case diary and contents of F.I.R., it is required to be noted that all the family members of the applicant are impleaded as accused in the crime in question. The demand for dowry is alleged, however, there is delay of about two days in lodging the F.I.R., which is at all not explained. It is further claimed that after two months of her marriage, i.e. 11th April 2015 till 28th December 2015, the complainant was subjected to cruelty, however, there is no complaint or any evidence to demonstrate the same on record.

9. The place of incident is also appears to be not consistent. In this background, the prima facie story appears to be non-convincing.

10. As such, Criminal Application stands allowed. In the event of arrest in Crime No.150 of 2015 registered at Mohadi Nagar Police Station, District 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.

11. The applicant to attend concerned police station on 6th and 7th March 2016 between 10.00 a.m. and 12.00 noon and thereafter, as and when called by the Investigating Officer.

(N.W. SAMBRE, J.)

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