

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

Criminal Application No. 1339 of 2016

District : Nanded

Rahul s/o. Kishan Waghmare,
Age : 30 years,
Occupation : Labour,
R/o. I.I.T. Pavai, Mumbai.

.. Applicant.

versus

1. The State of Maharashtra,
Through Bhagya Nagar,
Nanded,
Taluka & District : Nanded.

2. Jaymala w/o. Rahul Waghmare,
Age ; 29 years,
Occupation : Advocate,
R/o. C/o. Vasantrao Nagorao
Raut,
Navjeevan Nagar, Nanded.

.. Respondents.

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*Mr. Ganesh Gadhe, Advocate, holding for
Mr. M.V. Thorat, Advocate, for the applicant.*

*Mr. A.S. Shinde, Addl. Public Prosecutor, for
respondent no.1.*

Mr. G.R. Syed, Advocate, for respondent no.2.

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CORAM : N.W. SAMBRE, J.

DATE : 13TH JUNE 2016

ORAL ORDER :

Heard.

2. The complainant - Mrs. Jaymala Waghmare filed Misc. Criminal Application No. 29/2016, in the Court of Chief Judicial Magistrate, Nanded, against all family members of the present applicant, for offences punishable under Sections 498A, 323, 377, 504, 506 read with Section 34 of the Indian Penal Code. In the said proceedings, the learned Magistrate having regard to the allegations in the complaint, directed enquiry in the matter. As such, complaint came to be registered against the present applicant and his family members vide Crime No. 12/2016 with Bhagyanagar Police Station at Nanded.

3. The date of incident came to be recorded in the FIR is 27th December 2015 and the complaint came to be lodged on 20th January 2016. There is delay of about six months in lodging the FIR.

4. Upon perusal of the FIR and the investigation papers, the entire offence is based on the matrimonial dispute in between the parties and the complainant has roped in all family members of the present applicant.

5. Upon perusal of the investigation papers, it is noticed that the applicant is cooperating with the investigating agency and the amicable settlement between the parties appears to be not fruitful.

6. In my opinion, looking to the investigation carried out, the custodial interrogation of the applicant is not necessary.

7. Hence, the Application is allowed.

In the event of arrest of the applicant, in connection with Crime No. 12/2016, registered with Bhagyanagar Police Station, Nanded, for offences punishable under Sections 498A, 323, 377, 504, 506 read with Section 34 of the IPC, he be released on bail on his furnishing P.R. Bond in the sum of Rs. 15,000/- with one surety in the like amount, subject to the condition that he shall attend the said Police Station as and when called by the Investigation Officer for the purpose of investigation.

8. The Application stands disposed of in the above terms.

(N.W. SAMBRE)
JUDGE

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