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

CRIMINAL APPLICATION NO.2791 OF 2016

Chandan s/o Subhash Kekan

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A.S. Khedkar, Advocate for applicant;
Mr S.D. Ghayal, Addl. Public Prosecutor for respondent;
Mr A.S. Barlota, Advocate holding for Mrs Vinaya Dharurkar, Advocate to
assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 15th June, 2016

ORAL ORDER :

By the present application, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.302 of 2016, registered with Shivajinagar police station, Beed, for offences punishable under sections 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code.

2. The incident, which has resulted into registration of crime, is alleged to have taken place from 30th July, 2011 to 12th April, 2016. It is claimed by the complainant Shilpa that she was married to the applicant on 29th May, 2011 and thereafter she gave birth to a female child, namely, Mridula. The applicant thereafter was posted in Goa in Zuari Agro Industries, Goa and he was often illtreating the complainant by assaulting and demanding dowry.

(2)

3. In the above referred background, while trying to make out a case for grant of pre-arrest bail, learned Counsel appearing on behalf of the applicant submits that all family members of the applicant are impleaded as accused, who are already released on pre-arrest bail but for the applicant. According to the learned Counsel, there appear to be indifferences out of strained matrimonial relations resulting into complaints and counter complaints and as such the applicant's false implication cannot be ruled out. He would rely upon certain non-cognizable offences registered at the behest of the complainant and the applicant with the police station at Goa.

4. Learned Addl. Public Prosecutor, who is assisted by Mr A.S. Barlota holding for Mrs Vinaya Dharurkar, learned Counsel appearing on behalf of the complainant submits that there is a strong *prima facie* case against the applicant for his involvement in the crime in question. Learned Addl. Public Prosecutor submits that there are statements of independent eye-witnesses and there is enough material on record to connect the applicant with the crime.

5. Having scanned the investigation papers, it is noted that there are statements of independent witnesses, who have mediated in the matter of restoring the relationship between the complainant and the applicant. The investigation papers speak volumes about the conduct of the applicant.

(3)

6. Apart from above, it appears that since the date of his marriage with the complainant the applicant appears to be indulging in an activity causing cruelty by taking recourse to physical means, as is apparent from the statements of the eye-witnesses. As there is *prima facie* case against the applicant, Criminal Application fails and stands rejected.

(N.W. SAMBRE, J.)

amj