

(1)

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

CRIMINAL APPLICATION NO. 3881 OF 2016

1. Mukund Bhagwan Kandekar (Kandelkar),
Age: 35 years, Occu: Service,
R/o. Plot No. 14, Survey No. 35/2,
Dhanaji Kale Nagar, Kanalda Road,
Jalgaon, District Jalgaon
Presently residing at Matunga,
Mumbai, District Mumbai
 2. Bhagwan Kashiram Kandekar (Kandelkar),
Age: 67 years, Occu: Pensioner,
R/o. House No. 24, Survey No. 14/I,
Kanchan Nagar, Behind Darga,
Behind Santosh Kirana, Jalgaon
- ..APPLICANTS

VERSUS

The State of Maharashtra,
Through the Superintendent of Police,
Jalgaon, District Jalgaon

..RESPONDENT

Mr Mukul S. Kulkarni, Advocate for applicants;
Mr S. Y. Mahajan, Addl. Public Prosecutor for respondent;
Mr S. P. Brahme, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 1st August, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants are seeking pre-arrest bail, in connection with C.R. No.98 of 2016, registered with Jalgaon city police station, for offences punishable under sections 498-A, 354, 354-A, 406, 109, 323, 504, 506, 510 read with section 34 of the Indian Penal Code.

(2)

2. It is the case of the prosecution that complainant Chitra was married on 15th June, 2005 to applicant no.1 Mukund, who is working in Railways at Bombay. It is then claimed that applicant no.2 who happens to be her father-in-law and father of applicant no.1 has tried to commit offences punishable under sections 354 and 354-A of the Indian Penal Code against the complainant. Apart from above, the contents of the first information report depict that applicant no.1 is having extra-marital affair with another lady by name Anita Mohan Tirua. There are video clips *qua* the conduct of applicant no.2, in relation to offences punishable under sections 354 and 354-A of the Indian Penal Code, which are watched by the learned Addl. Public Prosecutor, who submits that the applicants are *prima facie* involved in the crime in question. Apart therefrom, the conduct of applicant no.1 – husband of complainant Chitra, as narrated in the first information report depicts that he also supported applicant no.2.

3. There is *prima facie* evidence against the applicants about their involvement in the offence in question. In view thereof, no case for grant of pre-arrest bail is made out. Criminal Application fails and stands rejected.

(N.W. SAMBRE, J.)

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