

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

1 CRIMINAL APPLICATION NO. 4471 OF 2016

**HABIB ALAM S/O MOBIN ALAM
SIDDIQUI**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. Syed Masood Chand, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 20th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 53/2016 registered at Dharmabad police station, Dist. Nanded for the offences punishable U/ss 498-A,323,504,506 read with 34 of the Indian Penal Code, by this application is seeking pre-arrest bail.

2. Heard the learned counsel for the applicant/accused as well as the learned A.P.P. The learned A.P.P. argued that there was abortion of the informant and the

date of that abortion i.e. 26/09/2015 is important. The learned A.P.P. drew my attention to the papers of medical treatment of the informant. He further argued that there was cheating as the applicant had disclosed that he is teacher.

3. Perused the papers of investigation including the F.I.R. The applicant is the husband of the informant. The allegations are about cruelty. The averments are to the effect that in-laws of the informant were not permitting her to go out for giving interviews for seeking job. It is further averred that her in-laws have failed to provide employment to her at the school run by Digambar Shrisagar Avadhut Patil. It is further averred that on 26/09/2015, there was abortion of the informant because of illtreatment by the husband as well as in-laws.

4. What cruelty means is explained by the explanation to Section 498-A of the Indian Penal Code. It implies such conduct of husband and relatives of husband, which may propel a married woman to commit suicide or to cause grave danger to her life and limb. In this context, the averments in the F.I.R. are required to be looked into.

5. Considering the nature of averments made in the F.I.R., in this matrimonial offence, liberty of the applicant needs to be protected. Hence, the following order.

(i) The Criminal Application is allowed.

(ii) The Order dated 19/08/2016 granting ad-interim anticipatory bail is confirmed on the same terms and conditions.

(iii) In addition to that the applicant shall attend the concerned police station on 01/10/2016 between 11.00 a.m. and 1.00 p.m. and he should co-operate the Investigating Officer in the investigation of the crime in question.

[A.M.BADAR, J.]