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

CRIMINAL APPLICATION NO.6223 OF 2016

Vishnu s/o Ramchandra Devkule,
Age : 40 years, Occu. Labour,
R/o Room No.1, Chal No.2,
Ganpat Niwas, R.G. Patil Wadi,
Dombivali (East) Dist. Thane,
(Native Place : Sarwar Pimpalgaon,
Tq. Majalgaon, Dist. Beed) ..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Dindrud,
Tq. Majalgaon, Dist. Beed ..RESPONDENT

Mr S.J. Salunke, Advocate for applicant;
Mr S.D. Ghayal, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 13th December, 2016

ORAL ORDER

Heard.

2. Applicant apprehends his arrest in C.R. No.32 of 2016, registered at Dindrud police station, Tq. Majalgaon, Dist. Beed, for the offences punishable under Sections 498-A, 315, 323, 504, 506, 507 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. As per the first information report, applicant was married with one Anita on 2nd May, 1994. According to the informant, an amount of Rs.50,000/- had not been paid towards dowry, due to which applicant and

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his family members were harassing the informant. It is further stated that the applicant and his parents were constantly harassing the informant.

4. It is submitted by the learned Counsel for the applicant that considering the fact that the couple has been married for almost thirty years, the allegation that there was demand for dowry and illtreatment cannot be accepted in absence of any earlier reports. He submitted that the youngest daughter was born in the year 2006 and it is the case of the informant that she was being illtreated for giving birth to a girl child cannot be accepted. Considering the vague nature of allegations, it is submitted that the applicant is entitled for protection.

5. The learned Addl. Public Prosecutor, by relying upon the police papers opposed the application. It is submitted that the statements recorded indicate harassment for failure to satisfy the demand of dowry and also on account of giving birth to female child.

6. From the documents on record as well as the police papers, it can be seen that the applicant and the informant are married for more than thirty years. There is no previous report in connection with demand for dowry, except a recent non-cognizable report lodged in the month of May, 2016. Though it is a case of the informant that she was confined to abort a fetus, documents in that regard have not been brought on record despite request being made to the Civil Surgeon. Considering the general nature of allegations and as parties have been in marital relationship for

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almost thirty years, I am inclined to confirm the ad interim protection granted earlier.

7. In the event of applicant's arrest, in connection with C.R. No.32 of 2016, registered at Dindrud police station, Tq. Majalgaon, Dist. Beed, for the offences punishable under Sections 498-A, 315, 323, 504, 506, 507 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, he shall be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

- (i) The applicant shall attend the concerned Police Station as and when directed.
- (ii) He shall not take any steps to influence the prosecution witnesses.

Observations made in this order are only for deciding the present application.

Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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