

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

CRIMINAL APPLICATION NO.6338 OF 2015

1. Satish s/o Dharmu Rathod,
Age 29 years, Occu. Service,
R/o 1/6, M.I.D.C. Police Vasahat,
Andheri (E) Mumbai
2. Atish s/o Dharmu Rathod,
Age 22 years, Occu. Student,
R/o as above
3. Dharmu s/o Tukaram Rathod,
Age 56 years, Occu. Service,
R/o as above
4. Kamlabai Dharmu Rathod,
Age 51 years, Occu. Household,
R/o as above ..Applicants

Versus

- . The State of Maharashtra,
through Police Station, Cantonment,
Chawani Aurangabad
(In Cr.No.0338/2015) ..Respondent

Mr Arvind S. Deshmukh, Advocate for applicants
Mr S.Y. Mahajan, A.P.P. for respondent – State
Mr M.P. Gandle with Mr S.P. Salgar, Advocates, assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 5th January 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.338 of 2015 registered on 9th October at Police Station, Cantonment (Chawani), District Aurangabad, for the alleged incident which occurred in between 7th May 2015 and 2nd October 2015, for offences punishable under Sections 323, 498-A, 504, 506 read with sec. 34 of Indian Penal Code,

3. Perusal of the F.I.R. depicts that there are sweeping allegations made against all the family members of applicant. According to applicant, false implication cannot be ruled out, as no specific role is attributed to any of the applicants in the F.I.R.

4. Learned A.P.P. opposed the application on the ground that the alleged incident has occurred within a period of six months from the date of marriage of victim i.e. 7th May 2015 and as such, there is presumption as against the applicants, which is required to be rebutted by the applicants. He would then urge that the investigation is at preliminary stage.

5. Learned Counsel for the complainant has assisted the prosecution and has made submission about ill-treatment given by the applicants to the victim.

6. Having perused the investigation papers and the contents of F.I.R. it is noted that in a complaint lodged by the complainant on 9th October 2015, the complainant has made sweeping allegations against all the family members, without attributing a particular role to any of them. The entire family of the applicant is named as accused in the crime in question.

7. Apart from above, perusal of the investigation papers does not reflect any prima facie involvement of the applicants in the crime in question, particularly applicant No.3, who is a public servant. As such, in my opinion, it will be appropriate to release the applicants on bail. Hence, I proceed to pass the following order.

(I) In the event of their arrest in Crime No.338 of 2015 registered at Police Station, Cantonment (Chawani), District Aurangabad, for offences punishable under Sections 323, 498-A, 504, 506 read with sec. 34 of Indian Penal Code, the applicants be released on bail upon furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-five thousand) with one surety in the like amount, by each of them.

(II) The applicants shall attend the concerned Police Station on 16th and 17th January 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr