

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

Criminal Application No. 01148 of 2017

District : Dhule

Umesh Ramdas Shirsath,
Age : 35 years,
Occupation : Service,
R/o. Plot no.8,
Snehankita Building,
Vaidya Nagar,
Dwarka, Nasik.

.. Applicant.

versus

The State of Maharashtra.

.. Non-applicant.

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Mr. Shrikant S. Patil, Advocate, for the applicant.

*Mr. S.J. Salgare, Addl. Public Prosecutor, for the
non-applicant.*

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CORAM : T.V. NALAWADE, J.

DATE : 24TH MARCH 2017

ORAL ORDER :

By the present application, the applicant is seeking pre-arrest bail in connection with Crime No. 42/2017, registered with Dhule Taluka Police Station, District Dhule, for offences punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

02. Both the sides are heard.

03. The crime is registered on the basis of report given by Punam, wife of the present applicant on 09.02.2017. It is the case of wife, that there was ill-treatment to her from husband and relatives and they were asking her to bring Rs. 60,00,000/- from her parents as the husband wanted to purchase four wheeler and new house. It is her case, that as there used to be quarrels, brothers of the husband first started living separately from the family and even parents of the husband started living separately. She has made allegations that under one pretext, she was sent to house of her parents and then divorce notice was given to her and divorce proceedings were filed against her.

04. The marriage took place on 15.06.2014. This couple has one son out of this wedlock. It appears that the dispute started from the year 2016. Copies of complaints given by the husband against the complainant are produced on record and it shows that when there was cohabitation, the husband had given complaint that the wife was taking up quarrels. She was not taking care of child and on the basis of complaints dated 04.08.2016, 18.09.2016 and 21.11.2016, non-cognizable offences were registered. Ultimately, on 21.11.2016, divorce notice was given by the husband in which, he made mention about conduct of the wife. He filed divorce proceedings in the year 2016. It appears that after giving divorce notice also, one incident took place which both the

sides admit. One non-cognizable offence was registered on the basis of report given by the wife in the month of November 2016. But in that non-cognizable offence, she had not made allegation that there was demand of Rs. 60,00,000/- from the husband or his relatives.

05. From the aforesaid record, it can be said that the FIR came to be given only when wife came to know that there is no possibility of cohabitation. It appears that they were living as Hindu joint family along with parents and family of two brothers. Due to quarrels, his brothers first started living separately and then even parents of the husband started living separately. In spite of these steps taken, the dispute continued and then step of issuing divorce notice was taken by the husband.

06. Learned Addl. Public Prosecutor submitted that there is allegation that there were at least three ornaments which were gifted by the parents of the wife and they were taken by the mother of the applicant. In any case, the material does not show that there were any ornaments with the applicant.

07. In view of the above, this Court holds that the custodial interrogation of the husband is not necessary and the applicant is entitled for the relief of pre-arrest bail by imposing some conditions.

08. In the result, the Application is allowed.

In the event of arrest of the applicant, in the above crime, he be released on bail on his executing P.B. & S.B. of Rs. 15,000/-, on the following conditions :-

(i) The applicant shall attend the concerned Police Station for one month, on every Sunday between 09.00 a.m. and 11.00 a.m. and co-operate with the Investigation Officer in investigation of the crime in question.

(ii) The applicant shall not contact any of the prosecution witnesses and he shall not tamper with the prosecution evidence in any manner whatsoever.

(T.V. Nalawade)
JUDGE

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