

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1956 OF 2017

Ravindraprasad Mishra & Anr. Applicant

Vs.

The State of Maharashtra Respondent

Ms. Suvarna Avhad Vast for the Applicants.

Ms. P.P. Shinde APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 1st February 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.202 of 2017, registered at Chhavani Police Station, Malegaon District Nashik on 9th October, 2017, for the offences punishable under Sections 307, 323, 504, 506 read with 34 Indian Penal Code.

3 It is the case of the prosecution that the son of the applicants namely Tushar is married to the complainant on 16th December, 2016. She is working as a Teacher. That on 3rd October, 2017, the complainant Poonam had approached the police station and lodged a report that on that day, there was a quarrel between her husband and herself. He was demanding money from her. She had reiterated that she had paid Rs.30,000/- to him 15 days ago and therefore she refused to oblige. Being aggrieved, her husband had abused her and threatened her of dire consequences.

4 On the basis of the said report, Non-Cognizable Case No.384 of 2017 was registered. On the same day and almost about the same time, the complainant approached the police station and lodged a report alleging therein that her husband was demanding money. There was quarrel between the husband and wife. The applicants herein have intervened. The mother-in-law and the husband assaulted her and the father-in-law had also abetted. He had slapped and abused her. It is alleged that in the course of the said altercation, her husband had attempted to strangle / throttle her. On the basis of the said report, the offence was registered under Section 307 Indian Penal Code. It is pertinent to note that while lodging the non-cognizable case, no role was ascribed to the present applicants. The application was against the husband that he had abused and threatened her.

5 Learned counsel for the applicants submits that the incident has been blown out of preparation and in fact the complainant had visited the house of the applicants alongwith her relatives and parents and threatened them of dire consequences. Be that as it may, taking into consideration the facts of the case, this Court is of the opinion that the applicants deserve to be protected by way of pre-arrest bail as per guidelines of Hon'ble Apex Court in the case of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 Supreme Court Cases, page 273. Hence, the following order :

ORDER

- 1 The application is allowed.
- 2 In the event of arrest, the applicants be enlarged on bail on furnishing PR. bonds of Rs.15,000/- each with one or two solvent sureties in the like amount.
- 3 The applicants shall report to the concerned police station as and when called.

(*Smt. Sadhana S. Jadhav, J*)