

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No.402 of 2019

Pavan Kisan Talekar

Vs.

State of Maharashtra through P.S.Malkapur, Buldhana.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.V.Sirpurkar, Advocate for applicant
Mr. A.D.Sonak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 7, 2019

The applicant herein has approached this Court as he apprehends arrest in connection with FIR dated 2.6.2019, whereby offences under Sections 315, 498-A and 323 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, were registered against him and his parents.

2. While issuing notice and granting ad-interim protection to the applicant, this Court made the following observations in the order dated 6.6.2019, which read as follows:

“The applicant is the husband of the complainant and the case of the prosecution is that the applicant along with his parents were harassing the complainant over demand of dowry. The specific allegation against the applicant is that he assaulted the complainant, who was pregnant,

which resulted ultimately in termination of pregnancy. A perusal of the contents of the FIR indicate that although the alleged incidents are said to have occurred between 05.04.2019 and 21.05.2019, the FIR was registered on 2.6.2019. It appears that the actual termination of pregnancy happened about five days after the alleged assault by the applicant on the complainant.

In view of the aforesaid facts, a case for grant of ad interim protection is made out by the applicant as long as he co-operates with the Investigating Agency. Hence, in the event the applicant is arrested in Crime No.257 of 2019, registered at Police Station, Malkapur City, District Buldhana, he shall be released on bail on furnishing PR bond of Rs. 25,000/- and surety in the like amount. The applicant shall cooperate with the Investigating Agency and make himself available to the Investigating Officer as and when required. The applicant shall not tamper with evidence or influence the witnesses”.

3. In response to the notice issued by this Court, reply has been filed by the non-applicant/State wherein present application is opposed on the ground that the investigation is still in progress and there is possibility of the applicant pressuring the complainant and her parents, as also the Medical Officer. But, in the same reply, it is also stated that the statements of the Doctor, the complainant and her parents are already recorded. Therefore, the apprehension expressed on behalf of non-applicant-State may not be wholly correct.

4. In view of the above, the present application is allowed. The applicant is granted anticipatory bail by confirming ad-interim protection granted by the above quoted order dated 6.6.2019.

5. The applicant shall co-operate with the investigation and he shall make himself available before the Investigating Officer as and when required. The applicant shall not tamper with the evidence or influence the witnesses.

JUDGE

Ambulkar