

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

4 ANTICIPATORY BAIL APPLICATION NO. 911 OF 2020

Gorakh s/o Arvind Jadhav
Age : 28 Yrs., Occ. Pvt. Service,
R/o : Omnivas, Behind Shankar
Temple, Nashik-Pune Road,
Bajrangwadi, Santajinagar,
Nashik, Tal. & Dist. Nashik.

.... APPLICANT

VERSUS

The State of Maharashtra
Through the Police Station
Incharge, Kranti Chowk
Police Station, Tal. &
Dist. : Aurangabad.

.... RESPONDENT

.....
Mr. U.S.Patil, Advocate for Applicant.
Mrs. V.N.Patil/Jadhav, A.P.P. for Resp. - State.

.....
CORAM : V.L.ACHLIYA, J.
DATE : 27/10/2020
.....

ORAL ORDER :

1. Learned counsel for applicant submits that he has removed the office objections.
2. The applicant apprehending arrest in connection with the offences punishable u/s 498-A, 323, 504 r/w 34 of Indian Penal Code registered vide Crime No. 334/2020 with Kranti Chowk police station, Aurangabad preferred this application seeking pre-arrest bail.
3. Heard learned counsel for applicant and learned

A.P.P. for State. Perused F.I.R. and the order passed by learned Additional Sessions Judge.

4. In brief, it is the contention of learned counsel for applicant that the complaint filed against applicant is false, frivolous and nothing but abuse of process of law. It is submitted that informant has implicated all the family members of applicant including the married sisters of applicant residing in Gujrat State. It is further submitted that in order to conduct investigation, custodial interrogation of applicant is not required. Except the applicant all other accused are granted anticipatory bail by the Sessions Court. The grant of anticipatory bail to the applicant would not hamper the on-going investigation. It is submitted that applicant is ready to co-operate in investigation.

5. On the other hand, learned A.P.P. opposed the application with the contention that the allegations made in the F.I.R. make out a prima facie case against applicant. In order to conduct proper investigation, Investigating Officer may require custodial interrogation of the applicant.

6. On due consideration of submissions advanced in the light of overall facts of the case and nature of accusations against applicant, I am of the view the possibility of filing of complaint with exaggeration can

not be ruled out. It is apparent from the F.I.R. lodged by informant that informant has roped in the entire family of applicant including the married sister of applicant residing at Wadodara in Gujrat State. Except applicant all other accused are granted anticipatory bail by the Sessions Court. The application filed by applicant has been rejected only for the reason that in order to conduct proper investigation, the police may require to interrogate the applicant. The allegations made in the complaint are vague and general in nature. The investigation appears to be practically completed. No recovery is to be made from the applicant. Custodial interrogation of applicant is not required in the facts and circumstances of the case. The complaint appears to be filed after a period of two months after the parties failed to resolve dispute through counseling centre. In that view, the applicant deserves to be protected u/s 438 of Cr.P.C. Hence, the following order.

ORDER

[i] The application is allowed.

[ii] In the event of arrest of applicant Gorakh s/o Arvind Jadhav in connection with the offences punishable u/s 498-A, 323, 504 r/w 34 of Indian Penal Code registered vide Crime No. 334/2020 with Kranti Chowk police station, Aurangabad, the applicant be released on furnishing bail in the sum of Rs. 15,000/-

[Rupees Fifteen Thousand] with one surety in the like amount on the following conditions.

[a] The applicant shall appear before the Investigating Officer on 30/10/2020 at 11.00 a.m. and co-operate in the investigation.

[b] On and after 31/10/2020 the applicant shall appear before the Investigating Officer as and when directed by Investigating Officer.

[c] The applicant shall not indulge into any act amounting to pressuring the prosecution witnesses nor cause any threat to the informant or her family members.

[iii] In the event of breach of any of the condition, the prosecution will be at liberty to move the Court for cancellation of bail.

7. The application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP