

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1076 OF 2020

- 1) Amit s/o Arunkumar Barlota
- 2) Smita w/o Lalitkumar Hiran
- 3) Lalitkumar s/o Shantilal Hiran = **APPLICANTS**

VERSUS

The State of Maharashtra
Through Police Station Officer,
Police Station, Shivaji Nagar,
Latur, Tq. And Dist. Latur. = **RESPONDENT/S**

Mr.Akash D.Gade, Advocate for Applicant/s
Mr.SY Mahajan, APP for Respondent-State.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 16th December, 2020.

PER COURT:-

1. Present application has been filed by applicants (original accused Nos. 1, 4 and 5) for their pre-arrest bail as they are apprehending their arrest in connection with CR No.1010/2020, dated 12.3.2020 registered with Shivaji Nagar Police Station, Latur for the offences punishable under Sections 498A, 323, 504, 506 and 34 of IPC.

2. After dis-inclination is shown for grant of any relief in favour of applicant No.1, learned Advocate appearing for the applicants, on instructions, prayed for withdrawal of the application as against applicant No.1. There is no hurdle to allow the said prayer. Under such

(2)

circumstance, the application remains for consideration for pre-arrest bail of applicant Nos. 2 and 3.

3. Heard learned Advocate and learned APP for respective parties. In order to cut short, it can be said that both the sides have made vehement submissions to support their respective contentions.

4. The information has been lodged by Pooja Barlota, who is wife of present applicant No.1. They got married on 21.2.2018 and she has stated that gold and utensils were given at the time of the marriage. Present applicant Nos.2 and 3 are accused Nos.4 and 5. Applicant No.2 is sister of applicant No.1 and applicant No.3 is husband of applicant No.2. Applicant Nos.2 and 3 are admittedly not residing in the matrimonial home of the informant. The matrimonial home of the informant is in Marwad Galli, Sailu, District Parbhani; whereas applicant Nos.2 and 3 are resident of Bazar peth, Warkheda, Tq. And Dist. Nasik. As regards applicant Nos.2 and 3 are concerned, the allegations are that they had instigated the husband and parents-in-law of the informant to harass the informant. Perusal of the FIR would show that as against these applicants, co-relate statements have been made. Allegations appear to be against applicant No.1. Physical custody of the present applicants is not required and, therefore, their application deserves to be

(3)

allowed. Hence, following order, -

ORDER

- i. The application stands allowed;
- ii. The order passed by this Court on 10th November, 2020, thereby granting interim relief to the applicants, is hereby confirmed and made absolute.
- iii. If the applicants are not formally arrested, in the event of arrest of the applicants in connection with CR No.1010/2020, dated 12.3.2020 registered with Shivaji Nagar Police Station, Latur for the offences punishable under Sections 498A, 323, 504, 506 and 34 of IPC, they be released on PR and SB of Rs.15,000/- each
- iv. The applicants shall not tamper with the prosecution evidence in any manner and shall cooperate with the investigation.

(SMT. VIBHA KANKANWADI,J.)

BDV