

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

CRIMINAL APPLICATION (ABA) NO.158 OF 2020

(Anand Babanrao Chaple Vs. State of Maharashtra thr. PSO PS Buldana (City), Tah. &
Dist. Buldana)

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

Court's or Judge's orders.

Shri S.U. Bhuyar, Advocate for Applicant.
Shri M.J. Khan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th MARCH, 2020.

The applicant is apprehending arrest in Crime 8/2020 registered at the Buldhana City Police Station for offences punishable under section 420, 468, 471 r/w 34 of the Indian Penal Code.

2] The complainant is the estranged wife of the applicant.

3] It appears that on 22.08.2017 the complainant wife initiated proceedings under the Protection of Women from Domestic Violence Act (D.V. Act). In the said proceedings, the complainant filed an application dated 22.08.2017 seeking to restrain the applicant from alienating the property. The applicant husband submitted on record a praecipe dated 23.11.2017 stating that the property shall not be disposed of. Ultimately, the learned Magistrate

passed an order dated 09.08.2018 directing the applicant husband not to create third party interest in the property. The case of the prosecution is that an application dated 25.05.2018 was submitted to Diwan Housing Finance Corporation seeking financial assistance and the residential house was offered as security. The said application purportedly bears the signature of the estranged wife. She is shown as co-applicant and her maiden name Sangita Ratansingh Rajput is used. Pursuant to the said application, the applicant accused and the finance company entered into an agreement dated 20.07.2018.

4] Considering that there was a serious dispute between the applicant and his wife, that proceedings under the D.V. Act were pending, that in the said proceedings the wife was seeking an injunctive relief restraining the applicant from creating third party interest in the residential house, which ultimately was granted, as is rightly noted by the learned Sessions Judge while rejecting the anticipatory bail, it is inconceivable that the strange wife will sign the application for loan as co-borrower. In the facts of the case, I am not inclined to exercise discretion in favour of the applicant. The custodial interrogation of the applicant would be necessary to unravel the various facets of the crime. The application is dismissed.

JUDGE