

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
933 ANTICIPATORY BAIL APPLICATION NO.105 OF 2021**

- 1) Sharad s/o Bhimrao Pawar,
Age 22 years, Occ. Student.
 - 2) Bhimrao s/o Khiraji Pawar,
Age 55 years, Occ. Service.
 - 3) Changunabai w/o Bhimrao Pawar,
Age 51 years, Occ. Household.
All r/o. Mhada Colony, Deolai,
Tq. & Dist.Aurangabad.
- ... **Applicants.**

VERSUS.

The State of Maharashtra,
Through Police Inspector,
Chikalthana Police Station,
Tq. & Dist. Aurangabad.

... **Respondent.**

...

Advocate for the Applicants : Mr. Ashraf Patel, h/f Mr. Avhad Abhijeet P.
APP for the Resondent/State : Mr. V.M. Kagne.

CORAM : MANGESH S. PATIL, J.

DATE : 24.02.2021.

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure.

2. The husband and parents in law of the informant are seeking bail in the event of their arrest in connection with Crime No. I-18/2021, registered with Chikalthana Police Station, District Aurangabad, for the offences punishable under Section 498A, 323, 504 read with Section 34 of the Indian Penal Code.

3. It is being alleged that the informant was married to the applicant no. 1 on 14.06.2020. She was maintained properly for first couple of months but thereafter there was persistent demand for money for paying his fees and on that count she was subjected to physical and mental torture. The

illtreatment continued up to 21.11.2020 where after she went back to her parental home and lodged the F.I.R. on 11.01.2021 on the basis of which the offence was registered.

4. Having heard both the sides it transpires that the informant was cohabiting with the applicants in their house barely for five months out of which she was maintained properly for first two months and the grievance is only in respect of a period of less than three months.

5. Without intending to comment upon quality of the allegations in the F.I.R. it is conspicuous that the allegations are vague and omnibus qua the applicants No. 2 and 3. Though there are statements of the relatives from the parental side of the informant no much weight can be attached to their statements at this juncture. Obviously, the applicant No. 1 being the husband must have had some role in subjecting her to illtreatment.

6. When this Court expressed its disinclination to grant anticipatory bail to the applicant No. 1, his learned advocate, on instructions, seeks leave to withdraw the application to his extent.

7. The applicant Nos. 2 and 3 were protected by way of ad interim relief. There are no allegations about they having committed any breach of the terms and conditions.

8. Taking into account the over all conspicuous of allegations and the material, the ad interim relief deserves to be confirmed.

9. The Application is partly allowed. Ad interim relief granted to applicants No. 2 and 3 stands confirmed with the same and conditions.

10. The Application to the extent of applicant No. 1 is disposed of as withdrawn.

(MANGESH S. PATIL, J.)