

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 186 OF 2021

Pawan s/o Khandu More ...Applicant

Versus

The State of Maharashtra ... Respondent

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Advocate for the Applicant : Mr. V. P. Raje

APP for the Respondent – State : Mr. N. T. Bhagat

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CORAM : V. G. BISHT, J.

DATE : 20th SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.259/2020, registered with Shirpur City Police Station, District Dhule for the offences punishable under Sections 498-A, 406, 326, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. It is the case of prosecution that informant is the wife of applicant. Their marriage took place on 18.02.2018. The prosecution alleges that after some time the applicant husband and his family members started harassing her.

Applicant used to ask her to bring Rs. 1 Crore so as to enable him to purchase a flat in Mumbai. Applicant and his family members also used to assault the informant. Ultimately, she was driven out from the matrimonial home. The informant lodged the report.

3. Mr. Y. P. Raje, learned counsel for the applicant, submits that the present complaint has been filed with a view to harass the applicant husband and his family members. Having regard to the alleged nature of offences there is no necessity of custodial interrogation. Therefore, application deserves to be allowed, urged learned counsel.

4. Mr. N. T. Bhagat, learned APP for the Respondent – State, on the other hand, has opposed the submissions by submitting that the applicant was subjected to cruelty within the meaning of Section 498-A of the Indian Penal Code not only by the applicant husband but also his family members. The investigation is in progress. There being no merit in the application, the same is liable to be rejected, urged learned APP.

5. I have carefully gone through the contents of First Information Report. Various instances of harassment are

narrated in the F.I.R. Since the allegations are in respect of matrimonial discord amongst the parties and alleged cruelty against the applicant husband, in my considered opinion, it is not a case of custodial interrogation. This being so, the application deserves consideration.

6. In view of above, I pass the following order :-

ORDER

- (1) The Application is allowed.
- (2) Interim protection granted by this Court on 19.03.2021 is confirmed and made absolute.
- (3) Application is accordingly disposed of.

**(V. G. BISHT)
JUDGE**

shp/-