

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

**ANTICIPATORY BAIL APPLICATION NO. 306 OF 2021**

Piyush s/o Haridas Bawaskar,  
Age : 31 years, Occu. Private Service,  
R/o. Sambhaji Colony, Opp. Jain Temple,  
Aurangabad.

**...Applicant**

**Versus**

The State of Maharashtra

**...Respondent**

.....  
Mr. V. D. Sapkal, Sr. Counsel i/b Mr. N. E. Deshmukh, Advocate for  
the applicant  
Mr. N. T. Bhagat, APP for respondent / State  
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**CORAM : V. G. BISHT, J.**

**DATED : 25<sup>th</sup> August, 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. 0068 of 2021, registered with Zillapeth Police Station, District Jalgaon for the offences punishable under Sections 377, 417, 420, 406, 294 and 498A of the Indian Penal Code.

2. It is the case of the prosecution that the informant was married to applicant on 09.01.2021. Before the marriage, she was told that the applicant is not addicted to vices and it was concealed that his earlier marriage was broken. It is alleged that applicant and the family members used to harass her. The applicant under the influence of liquor used to beat her and even performed unnatural sex. Even she was asked to bring Rs. 3.00 lakhs in order to repay the home loan. Thus, she was subjected to physical and mental harassment.

3. Mr. V. D. Sapkal, learned Sr. Counsel for the applicant, submits that the allegations of beating and cruelty are ill-founded. Even otherwise, since the allegations are arising out of alleged matrimonial dispute there is no necessity of custodial interrogation. The applicant has no criminal antecedents. Rather, if arrested, would be subjected to unwarranted humiliation. The application deserves to be allowed, argued learned Counsel.

4. Mr. N. T. Bhagat, learned APP, on the other hand, opposed the submissions by contending that the material facts were suppressed at the time of marriage followed by mental and physical harassment coupled with demand of moneys from the informant.

There being no merit in the application, the same is liable to be rejected, argued learned APP.

5. Having regard to the nature of allegations, it appears that the informant was allegedly subjected to physical and mental harassment at the hands of the applicant and his family members. Even, according to informant, there was demand of moneys in order to repay the home loan. Taking into consideration the nature of allegations and the relation between the parties, I am of the considered view that it is not a case where the custodial interrogation of the applicant is must. This being so, the present application deserves consideration.

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

**ORDER**

- i. The application is allowed.
- ii. Interim relief granted by this Court on 18<sup>th</sup> March, 2021 is confirmed and made absolute.

**[ V. G. BISHT ]**  
**JUDGE**