

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

ANTICIPATORY BAIL APPLICATION NO.530 OF 2021

Priyanka D/o. Suresh Talwande
Age : 29 years, Occu:- Service (Police),
R/o. Khultabad, Tq. & Dist. Aurangabad.

APPLICANT
(Orig. accused no.1)

VERSUS

The State of Maharashtra
through Investigating Officer
Vedant Nagar Police Station,
Tq. & Dist. Aurangabad.

RESPONDENT

...
Advocate for Applicants : Mr. Gore Ravindra Vitthal
APP for Respondent/State : Mr. S.P. Deshmukh
...

CORAM : MANGESH S. PATIL, J.

DATE : 08.06.2021

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure as the applicant apprehends that she would be arrested in connection with Crime No.117/2021 registered with Vedant Nagar Police Station Aurangabad for the offence punishable under Sections 323, 342, 427, 452, 504 , 506 read with Section 34 of the Indian Penal Code.

2. In the peculiar case, the allegations in the FIR lodged by a wife against her husband and the present applicant are to the effect that the applicant was proclaiming herself to be his wife and committed criminal house trespass and assaulted the informant.

3. The husband as well as the applicant are the persons against whom the allegations are levelled.

4. After having heard both the sides, it transpires that the husband has been granted anticipatory bail by this Court.

5. The allegations against the applicant are about having effected criminal trespass and carrying out assault on the informant. Going by the allegations, it was a government accommodation provided to the husband who is serving as an officer in the Police Department. The applicant is also serving in the same department. The informant wife was suspecting that there was illicit relations between the two and that is the reason why the incident had taken place. Since the husband is also being made a co-accused, there would be a serious doubt as to if it would constitute an offence of criminal trespass punishable under Section 452 of the Indian Penal Code. The rest of the sections of the Indian Penal Code being invoked by the prosecution are bailable.

6. Considering the above state of affairs, the applicant is entitled to anticipatory bail on merits as well as on the ground of parity.

7 The Application is allowed. The ad-interim anticipatory bail granted by the order dated 25.05.2021 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)