

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

**ANTICIPATORY BAIL APPLICATION NO.558 OF 2021
WITH APPLN/1141/2021 IN ABA/558/2021**

1] HITESH S/O RAJENDRA CHAVAN
2] ASHITA BHIMSINGH GAVIT

VERSUS

THE STATE OF MAHARASHTRA THROUGH POLICE STATION OFFICER
RAMANAND NAGAR POLICE STATION DIST. JALGAON

...
Advocate for Applicant : Mr. A.R. Syed
APP for Respondents/State: Mr. V.M. Kagne
Advocate for Assist to APP : Mr. N.S. Ghanekar
...

CORAM : MANGESH S. PATIL, J.

DATE : 01.07.2021

PER COURT :

The applicants are seeking bail in the event of their arrest in connection with Crime No.88/2021 registered with Ramanand Police Station, District Jalgaon for the offence punishable under Sections 498-A, 313, 420, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. In fact, the application to the extent of the applicant No.1 has already been dismissed by the order dated 01.06.2021 and it only survives to the extent of the applicant No.2.

3. The FIR has been lodged by the wife of the applicant No.1 alleging that he was having an affair with the applicant No.2 since before her marriage. Without disclosing it he had made her to enter into the

marriage and thereby deceived her. She alleges that she realized about such an affair only after her marriage when she saw the applicant No.1 indulging in telephonic conversation with applicant No.2. She then alleges that even the applicant No.2 thereafter involved in the interaction and confessed about the affair and asked her to get adjusted. She then alleges that the applicant No.1 assaulted her when she was pregnant and caused abortion. Her gold ornaments were taken away. Somehow she continued to cohabit but was ultimately driven away.

4. I have heard the learned advocate for the applicant, learned APP and the learned advocate for the original informant and perused the papers of the investigation.

5. Accepting the allegations at their face value, the applicant No.2 is not related to the applicant No.1 and consequently, she cannot be made to face a charge for the offence punishable under Section 498-A of the Indian Penal Code.

6. As far as allegations regarding causing abortion is concerned, even the FIR alleges and attributes it to the applicant No.1 husband exclusively.

7. Though there could possibly be an allegation of practicing deception *qua* the applicant No.1 in as much as he allowed the marriage to be solemnized without disclosing his affair with the applicant No.2, there would be a serious doubt if the latter could be charged for the offence punishable under Section 420 of the Indian Penal Code.

8. Again, the allegations regarding appropriation of gold ornaments are not attracted against the applicant No.2.

9. Considering all the aforementioned facts and circumstances, the applicant No.2 deserves to be granted anticipatory bail.

10. The Application is allowed. The ad-interim anticipatory bail granted by the order dated 01.06.2021 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)

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