

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Anticipatory Bail Application No. 686 / 2021

With

Criminal Application No. 1478 / 2021

in

Anticipatory Bail Application No. 686 / 2021

Prashant Dattatraya Thorat

.. Applicant

Versus.

The State of Maharashtra

.. Respondent

Mr. Satej S. Jadhav, Advocate for Applicant in ABA No. 686/2021.

Mr. Y.B. Bolkar, Advocate for the Applicant in Criminal Application
No.1478/2021.

Mr. N.T. Bhagat, APP for State/Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 02nd AUGUST, 2021.

Per Court : -

1. It is an application for Anticipatory Bail.
2. Complainant married to Applicant in June, 2019. She

abandoned husband's company in March, 2020. A female child was born in April, 2021. Husband instituted petition for restitution of conjugal rights in March, 2021. Although the Complainant has been served with the proceedings in the restitution of conjugal rights, she has not appeared in those proceedings. Rather, she lodged FIR on 17th May, 2021 against husband, father-in-law, mother-in-law and sister-in-law. Father-in-law and mother-in-law of the Complainant are senior citizens. They have been granted pre-arrest bail by the learned Sessions Judge. The allegations made against the father-in-law are shocking. She would allege father-in-law attempted to outrage her modesty, whereafter offence under Section 354 was registered against the father-in-law. Investigation revealed that father-in-law is suffering from Schizophrenia. This fact itself shows it is a case on over and false implication. Be that as it may, yet another allegation against the Applicant and the co-accused is that they were harassing her with a view to coercing to meet unlawful demand for property. The allegations are general and vague. Yet, another allegations leveled against the Applicant is that, although he was working as a Surveyor with the MSRDC, he told Complainant before marriage, that he was Junior Engineer with MSRDC. On these set of allegations, the Crime No. 141/2021 was registered with

Ramanand Nagar Police Station, Dist. Jalgaon for the offences punishable under Sections 498, 354, 420, 323, 504 read with 34 of the Indian Penal Code, 1860.

3. In my view it is a case of over-implication and since all family members have been roped in by the Complainant vindictively. For the reasons stated above, in my view the custodial interrogation of the Applicant, shall not further the prosecution case. The Application is allowed in the following terms.

ORDER

- (i) In the event of arrest of the applicant, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (ii) The applicant shall furnish his residential address as well as permanent address and contact details to the Investigating Officer forthwith;
- (iii) The applicant shall join investigation as and when called by the Investigating Officer;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person

concerned with the case;

4. All applications therein are disposed of.

5. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

Najeeb...