

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

1 ANTICIPATORY BAIL APPLICATION NO.863 OF 2020

INDERPAL SINGH S/O BACHCHAN SINGH MONGA

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. G.S. Shembole, Advocate for applicant

Mr. V.S. Badakh, APP for respondent No.1

Mr. Abhay Ostwal, Advocate for respondent No.2

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 05th JANUARY, 2021.

ORDER :

1 Present application has been filed for getting pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 by the applicant, who is apprehending his arrest, in connection with Crime No.93/2020 dated 20.07.2020 registered with Vedant Nagar Police Station, Aurangabad, for the offence punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2 Heard learned Advocate Mr. G.S. Shembole for the applicant, learned APP Mr. V.S. Badakh for the respondent No.1/State and learned

Advocate Mr. Abhay Ostwal for the respondent No.2. In order to cut short it can be said that all of them have argued in support of their respective contentions.

3 At the outset, it is to be noted that when this Court found that there is element of settlement by sending the matter for mediation, respondent No.2, the informant was added as party and the matter was referred for mediation, however, it has failed.

4 The respondent No.2-informant is the wife of applicant. She has stated that she got married to the applicant on 20.07.2014 at Aurangabad and thereafter went to stay with the applicant at Amravati. They have a baby girl out of the wedlock. According to her, she has been subjected to ill-treatment by the applicant and his mother. Since after about 1 to 1½ years of marriage there is illegal demand of money and to give petrol pump to the applicant. It has been contended that since last about two years the applicant and the informant were residing at Kanchanwadi in Aurangabad. Even the mother-in-law was with them. She further says that she was treated properly after they had shifted to Aurangabad for about 4-5 months. However, thereafter, the husband and the mother-in-law started harassing her. About 30-40 tolas of gold, which was her streedhan, was forcibly taken by the applicant. She was threatened to kill. Her father had tried to patch up the

things by giving amount of Rs.3,00,000/-. Yet, the ill-treatment did not end, and therefore, she lodged complaint application with Women's Complaint Redressal Forum on 14.01.2020. There was no compromise through police also, and therefore, the offence has been registered.

5 Taking into consideration the contents of the First Information Report and the offences those have been invoked, though in her affidavit-in-reply by respondent No.2 she has reiterated the same and tried to support her contention in the FIR that she has been severely ill-treated; yet, in view of the parameters laid down in Siddharam Satlingappa Mhetre vs. State of Maharashtra and others, 2011 (1) SCC 694, the application deserves to be allowed by imposing stringent conditions. Hence, following order.

ORDER

1 Application stands allowed.

2 In the event of arrest of the applicant viz. Inderpal Singh s/o Bachchan Singh Monga, in connection with Crime No.93/2020 dated 20.07.2020 registered with Vedant Nagar Police Station, Aurangabad for the offence punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, he be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty

Five Thousand only) each.

3 The applicant shall not tamper with the evidence of prosecution, in any manner. He should remain present before the Investigating Officer on every 1st and 15th day of each month between 10.00 a.m. to 05.00 p.m., till filing of charge sheet.

4 The applicant shall not indulge in any criminal activity.

5 He should cooperate with the investigation.

(Smt. Vibha Kankanwadi, J.)

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