

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

**11 ANTICIPATORY BAIL APPLICATION NO.782 OF 2021
WITH APPLN/1592/2021 IN ABA/782/2021**

**RAVINDRA ASHOK PATIL
VERSUS
THE STATE OF MAHARASHTRA**

Mr. V. B. Patil, Advocate for the applicant in (ABA/782/2021)

Mr.A. M. Gholap, Advocate for the informant in (Cri. Application No. 1592/2021)

Mrs. V. S. Choudhari, APP for the respondent/State

CORAM : SANDEEP K. SHINDE, J.

DATE : 29-07-2021

P. C.

. Heard learned counsel for the applicant, learned counsel for the informant and learned APP for the respondent/State.

2. Apprehending the arrest in connection with the Crime No. 187 of 2021 registered with Pahur Police Station, Dist. Jalgaon for the offences punishable under Sections 377, 354-A, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, the applicant seeks pre-arrest bail.

3. The complainant is applicant's wife. She married to the applicant in May, 2010. She left her matrimonial home in

November, 2020. In January, 2021 the complainant filed an application under Domestic Violence Act for multiple reliefs against the husband and her in-laws. Thereafter, in March, 2021, she instituted a petition seeking restitution of conjugal rights. Whereafter, in March, 2021 the applicant has filed an application seeking custody of minor daughter and son. On 04-01-2021 the applicant instituted the petition seeking dissolution of marriage. On 14-05-2021 the applicant reported the police that he was apprehending the arrest on the false accusation likely to be made by his wife. Immediately, thereafter on 01-06-2021 wife lodged the complaint against her father-in-law under Section 376-(A)(B) of the Indian Penal Code and Section 5-m, 5-n & 6 of the POCSO Act. Simultaneously, another crime was registered being Crime No. 187 of 2021 against the applicant and others for the offences punishable under Sections 377, 354-A, 498-A, 323, 504, 506 read with Section 34 of the IPC.

4. It may be stated that this court vide order dated 28-07-2021 granted pre-arrest protection to applicant's father in Crime No. 186 of 2021.

5. Be that as it may, allegations of causing illtreatment and or subjecting the complainant to unnatural intercourse are seemingly after thought, since these allegations were not found to have been made in the proceedings instituted by the complainant under the Domestic Violence Act and in restitution of conjugal

rights.

6. In consideration of the facts aforesaid, in my view the case is made out to grant pre-arrest bail to the applicant. His presence for the investigation and the trial can be secured by imposing conditions. Hence, the following order.

ORDER

i. In the event of arrest in connection with the Crime No. 187 of 2021 registered with Pahur Police Station, Dist. Jalgaon for the offences punishable under Sections 377, 354-A, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on executing bond in the sum of Rs. 25,000/- [Rupees Twenty Five Thousand] with one or more sureties in the like amount.

ii. Applicant shall report to the Investigating Officer on 2nd, 5th, 9th and 12th August, 2021 and thereafter as and when called by the Investigating Officer.

7. Application is allowed and disposed of in aforesaid terms.

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8. All the applications therein, if any also disposed of.

[SANDEEP K. SHINDE, J.]

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