

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

ANTICIPATORY BAIL APPLICATION NO. 887 OF 2021

Rameshwar s/o Shivaji Zende,
Age : 33 years, Occu. Labour,
Permanent resident at Kawdgaon,
Tq. Paithan, Dist. Aurangabad.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. Arun S. Shejwal, Advocate for the applicant
Mrs. Vaishali S. Choudhari, APP for respondent / State
.....

CORAM : V. G. BISHT, J.
DATED : 08th September, 2021

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 0211 of 2021, registered with Bidkin Police Station, District Aurangabad (Rural), for the offences punishable under Sections 498A, 313 r/w 34 of the Indian Penal Code.

2. Informant's daughter was married to applicant on 06.01.2018. She was treated well for some months, however,

thereafter the applicant started asking her to bring Rs. 2.00 lakhs from her parents for running a shop. She was subjected to physical and mental harassment. She was even forced to undergo abortion. The informant accordingly lodged the report.

3. Mr. Arun S. Shejwal, learned Counsel for the applicant, submits that a matrimonial dispute between the applicant and his wife is going on. Even Hindu Marriage Petition No. A-299/2020 has been filed by the applicant against his wife for restitution of conjugal rights before the Family Court at Aurangabad. As a counterblast, the present FIR came to be filed. So also, there is no question of recovery and, therefore, custodial interrogation is not necessary.

4. Mrs. Vaishali S. Choudhari, learned APP, on the other hand, opposed the submissions by contending that there being no merit in the application, same is liable to be rejected.

5. Perused the papers. It appears that the applicant has filed a case bearing No. A-299/2020 before the Family Court at Aurangabad, which is pending. Similarly, the allegations against the applicant is that of physical and mental cruelty. In such circumstances, I am of the considered view that the custodial

interrogation of the applicant is not warranted in the facts and circumstances of the case.

6. In view of above, I am inclined to allow the application. Hence, following order.

ORDER

In the event of arrest of applicant, namely, Rameshwar Shivaji Zende in connection with Crime No. 0211 of 2021, registered with Bidkin Police Station, District Aurangabad (Rural), for the offences punishable under Sections 498A, 313 r/w 34 of the Indian Penal Code, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty Thousand only] with one or two solvent sureties in the like amount.

7. The Anticipatory Bail Application stands disposed of in aforesaid terms.

[V. G. BISHT]
JUDGE