

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.725 OF 2021

Prashant s/o Dilip Pawar,
 Age 26 years, occ : Edu.
 R/o 24-A, Rajaram Housing Society,
 Pimpral, Deopur, Dhule. ... Applicant.

VERSUS

State of Maharashtra
 Through the Police Station Deopur,
 Dhule, ... Respondent.

...

WITH
CRIMINAL APPLICATION NO. 1824 OF 2021
IN ANTICIPATORY BAIL APPLICATION NO. 725 OF 2021

Sau Priyanka @ Vaibhavi w/o Rahul Pawar,
 Age : 25 years, Occu. Housewife,
 R/o : Plot No. 24/A, Rajaram Society,
 Pimprala Bazar,
 Tq. and Dist. Jalgaon,
 At present : Wadi-Bhokar, Near Ambedkar
 Statue, Dhule, Tq. & Dist. Dhule. ...Applicant

VERSUS

Prashant s/o Dilip Pawar,
 Age : Major, occ.
 R/o Plot No.24/A, Rajaram
 Society, Pimprala Bazar,
 Tq. and Dist. Jalgaon. ...Accused.

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Advocate for the Applicant : Mr. Sunil B. Surse
 APP for the Respondent – State : Mr. A. V. Deshmukh
 Advocate for informant to assist APP : Mr. Afzal Husain M.Vakil

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CORAM : V. G. BISHT, J.

DATE : 26th AUGUST, 2021

PER COURT :-

1. Heard. Criminal Application for assisting APP stands allowed in terms of prayer clause 'B' and disposed of.
2. 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.74/2021 registered with Deopur Police Station, District Dhule for the offences punishable under Sections 498-A, 354, 509, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.
3. It is the case of the prosecution that the present applicant is brother-in-law of the informant. She was subjected to cruelty by her husband and family members. The allegations against the applicant is that he used to sing a song after seeing her and also comment in an obscene language. At times, he tried to molest her by dragging dupatta.
4. Mr. Sunil B. Surse, learned counsel for the applicant, submits that the husband and parents-in-law of the informant have already been given the benefit of pre-arrest bail by the trial Court, the copy of which is filed on record. As far as the present applicant is concerned, the learned counsel for the applicant submits that even if it is assumed that the applicant

tried to molest the informant then also it is not the case of custodial interrogation in as much as nothing is to be recovered or discovered at the hands of present applicant. The applicant being a young boy who has completed the education and now he is preparing for competitive examination like MPSC/UPSC, if put behind bars, his career would be spoiled. Hence, he should also be given the benefit of pre-arrest bail, urged learned counsel.

5. Mr. A. V. Deshmukh, learned APP and Mr. Vakil Afzal Husain M. assisting learned APP, on the other hand, would oppose the submissions by contending that not only the present applicant alongwith others had subjected the informant to cruelty but even tried to molest her at times. This being so, the application does not deserve consideration.

6. Admittedly, the husband of informant and parents-in-laws have already been given the benefit of pre-arrest bail by the learned trial Court. The allegations against the present applicant is of similar nature with an added allegation that he tried to outrage her modesty. In my view for the said purpose, the applicant cannot be allowed to be kept behind bars or in the police custody as that would jeopardise his career. Moreso, when it is not the case of custodial interrogation.

7. For the aforesaid reasons, I am inclined to allow the present application. Hence the following order :

ORDER

- (1) Application is allowed.
- (2) In the event of arrest of the applicant – Prashant s/o Dilip Pawar herein in connection with Crime No. 74/2021 registered with Deopur Police Station, District Dhule for the offences punishable under Sections 498-A, 354, 509, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on her furnishing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand only], with a surety in the like amount.
- (3) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**

shp/-