

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

913 ANTICIPATORY BAIL APPLICATION NO. 1057 OF 2020

**BHARATBHUSHAN BHAURAO TELANG AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicants : Mr. N.D. Kendre.
APP for Respondent : Mr. V.M. Kagne.

**CORAM : MANGESH S. PATIL, J.
DATED : 28.01.2021**

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure by the husband and brother-in-law of the informant in connection with Crime No. 209/2020, registered with Bhokar Police Station, Tq. Bhokar, Dist. Nanded, for the offences punishable under Sections 498-A, 354-A, 323, 120-B, 406, 420, 504, 506 read with Section 34 of the Indian Penal Code.

2. In substance, the allegations as can be appreciated in the FIR and the papers of investigation are to the effect that since after the marriage the husband had never allowed it to be consummated. For one reason or other he was avoiding to have sex. It is being alleged that he was even reluctant to disclose the reason why he was not ready to consummate the marriage. The informant independently and discreetly enquired and found that he was having apparently

some orientation problem. It is being alleged that in spite of being aware about his such physical condition the applicants and their parents had made the informant and her family members perform the marriage. Stridhan given to them was also not returned.

3. As far as applicant No. 2 brother-in-law is concerned it is alleged that on one occasion he had tried to molest her.

4. After hearing both the sides when this Court expressed its disinclination to grant anticipatory bail to applicant No. 1 - husband, the learned Advocate for applicants, on instructions, seeks leave to withdraw the application to his extent.

5. Admittedly the applicant No. 2 is the brother-in-law. At one occasion the informant alleges about he having tried to tease / molest her. There is a statement corroborating her such version in the form of statement of her mother, wherein the latter has stated about the informant having disclosed it to her immediately on the very day of that episode. However, the FIR does not mention about she having disclosed it to her mother much less at any later point of time.

6. Having considered the rival submissions and the facts and circumstances discussed herein above, when the parents of the applicants have already been granted anticipatory bail, considering

the nature of the allegations of the kind being levelled against applicant No. 2, he also deserves to be granted anticipatory bail subject to usual terms and conditions.

7. The application is partly allowed.

8. In the event of arrest of the applicant No. 2 in Crime No. 209/2020, he shall be released on bail on executing Personal Recognizance for an amount of Rs. 15,000/- (Rupees fifteen thousand) and furnishing a solvent surety in the like amount subject to the following conditions :

(a) He shall attend the concerned police station on 05.02.2021 and 08.02.2021 between 03:00 p.m. and 06:00 p.m. and shall cooperate the Investigating Officer.

(b) He shall not tamper the evidence or influence the witnesses.

9. Application to the extent of application No. 1 is dismissed as withdrawn.

(MANGESH S. PATIL, J.)