

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO.1333 OF 2021

1. Sachin Vitthalrao Tandale,
2. Chandrakant Vitthalrao Tandale
3. Suman Vitthalrao Tandale
- 4 . Vitthalrao Kisan Tandale
5. Prashant Vitthalrao Tandale.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

...

Advocate for Applicants : Mr. Shekade Shashikant E

APP for Respondents: Mr. A.V. Deshmukh.

...

CORAM : PRAKASH D. NAIK J.
DATE : 16th NOVEMBER, 2021.

PER COURT:

1] This is an application under section 438 of the code of criminal procedure. The applicant is apprehending arrest in connection with Crime No. 392 of 2021 registered with Mukundwadi Police Station for the offences under section 498A, 323, 504, 506 read with 34 of Indian Penal Code and section 3 and 4 of the Dowry Prohibition Act.

2] The first information report was on 23rd September 2021 by the wife of the applicant no.2. The marriage was performed on 20th March 2016. According to the complainant, after the marriage she was ill-treated and harassed by the accused. There was demand of money. She was subjected to physical and mental torture amounting to cruelty.

3] The applicant No.1 is brother-in-law of the complainant. Applicant No.2 is the husband. Applicant Nos. 3 and 4 are mother in law and father in law of the complainant, respectively. Applicant No.5 is the brother in law of the complainant. The applicant Nos. 3 and 4 are senior citizens aged about 70 and 80 years respectively. The learned counsel for the applicant submits that the allegations are

vague. The dispute relates to matrimonial discord between the parties. Applicant No.1 is an Advocate. Applicant No.2 is an agriculturist. Applicant Nos. 3 and 4 are senior citizens. Applicant No.5 is a government employee.

4] On perusal of the FIR it can be seen that the allegations relate to the matrimonial differences between the parties. Several family members of the husband were impleaded as accused. Two of them were granted anticipatory bail by the Sessions Court.

5] The learned APP submitted that specific allegations are leveled against the husband. The victim was subjected to ill treatment. she was assaulted. The statements of witnesses recorded during the course of investigation support the prosecution case.

6] By order dated 2nd November 2021 interim protection was granted to the applicant by this court. They were directed to attend Mukundwadi Police Station, Dist. Aurangabad on every Sunday. The learned counsel for the applicant submitted the direction to attend the police station has been complied.

7] In the light of the factual aspect of the case as stated herein above, the applicants cannot be subjected to custodial interrogation. Hence, the application can be allowed.

ORDER

[i] ABA No. 1333 of 2021 is allowed.

[ii] The interim order dated 2nd November, 2021 is confirmed.

[iii] In the event of arrest of the applicants in connection with Crime No. 392 of 2021 registered with Mukundwadi Police Station, District Aurangabad, the applicants be enlarged on bail on furnishing PR Bond in the sum of Rs. 20,000/-, each, with one or two sureties in the like amount.

[iv] The applicants shall appear before the I.O. as and when called for till filing of charge sheet.

[v] The application stands disposed of.

[PRAKASH D. NAIK]
JUDGE

GRT/-