

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 ANTICIPATORY BAIL APPLICATION NO.1336 OF 2021

1. Rushikesh Sudhar Dahiwal
2. Sunil Rajabhau Dahiwal
3. Sudhir Rajabhau Dahiwal
4. Sushma Sudhir Dahiwal
5. Amruta Manoj Mandlik

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

...
Advocate for Applicants : Mr. S.G. Shinde, Adv. h/f. Mr. Satyajeet J Rahate
APP for Respondents: Mr. S.B. Narwade.

...

CORAM : PRAKASH D. NAIK J.

DATE : 16th NOVEMBER, 2021.

PER COURT:

1] The applicants are apprehending arrest in connection with crime number 202 of 2021 registered with Amalner Police Station for the offence punishable under section 498-A, 323, 504, 506 read with Section 34 of IPC.

2] The case of the prosecution is that marriage between the informant and applicant No.1 was performed on 18th January 21. For a period of about 5 months the complainant was treated well by the accused. Subsequently, there was ill treatment to her on account of her character. There was a demand of money. She was abused. An amount of Rs. 10 Lakhs was demanded for purchasing flat. Threats were issued to her. The informant was assaulted. She was expelled from the matrimonial home and since then she has been residing at her parental house.

3] The applicant No.1 is the husband and the other applicants are relatives of applicant No.1. During the course of investigation, supplementary statement of the complainant was recorded on 20th September 2021. In the said statement, she referred

to the fact that on 29th August 2021 the accused visited house of the complainants father and demanded money.

4] The learned APP submitted that the specific allegations are attributed to the applicants having caused harassment to the complainant. There is demand of money from the complainant.

5] The allegations in the FIR are vague. There are matrimonial differences between the parties. The contention of the applicant is that applicant No.1 had issued a legal notice seeking restitution of conjugal rights for filing an application before civil court at parbhani. After issuing notice, she has lodged complaint against the appoicant. The dispute is on account of matrimonial discord between the parties. This court had granted interim protection to the applicant vide order dated 2.11.2021.

6] In the light of the factual matrix of this case, the applicants need not be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

[i] ABA No. 1336 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. 202 of 2021 registered with Amalner Police Station, District Beed, 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/-