

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

24 ANTICIPATORY BAIL APPLICATION NO.1454 OF 2021
WITH APPLN/3228/2021 IN ABA/1454/2021

MOHAMMAD RAFIQ UMAR MOHAMMAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P.R. Harshal
APP for Respondent/State : Mr. A.S. Shinde
...

CORAM : PRAKASH D. NAIK, J.
DATED : 20/12/2021.

PER COURT :

1. This is an application for anticipatory bail in Crime No. 0508 of 2021 registered with Satara Police Station, Dist. Aurangabad for the offence under Section 306 of Indian Penal Code (for short, 'IPC').

2. The complaint is lodged by the son of applicant. It is alleged that applicant was suspecting the character of his daughter (victim). She was subjected to assault and threats.

3. The FIR has been registered after the period of about 27 days from the date of the incident.

4. The learned counsel for the applicant submitted that the applicant had lodged two complaints against the complainant and other family members. The wife of the applicant was having illicit

relationship with son in law. She is falsely deposing against him.

5. Learned APP submitted that the complainant/applicant is in habit of filing false complaints. Statements of witnesses were recorded before registration of the F.I.R. After conducting enquiry FIR was registered. The witnesses have stated that applicant had harassed the victim.

6. Learned counsel for the complainant submitted that although the F.I.R. is registered on 3.11.2021, the complaints were made to police station prior that and enquiry had began. The statements of all the witnesses mention that the applicant was suspecting character of the victim and used to assault her. She was compelled to commit suicide.

7. The applicant is the father of the victim. Complaints are lodged by both the sides against each other. It appears that the relationship between the applicant and other family members is not cordial.

8. The learned counsel for the applicant submitted that the applicant is carrying out business by conducting grocery shop within the area of Sadat Nagar.

9. Considering the factual aspects, the applicant need not be subjected to the custodial interrogation. Hence, I pass the following

order.

ORDER

- i. ABA No. 1454/2021 is allowed.
- ii. In the event of arrest of applicant in Crime No. 0508/2021 registered with Satara Police Station, District Aurangabad for the offence punishable under section 306 of IPC, the applicant be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- ii. The applicant shall report the Investigating Officer on 28th, 29th and 30th December, 2021 between 11.00 a.m. to 1.00 noon.
- iii. The applicant shall not threaten the witnesses. The applicant shall not tamper with the prosecution witnesses.
- iv. The applicant shall not visit the residential premises where the complainant and wife of the applicant are residing. The applicant shall stay out of the area of Sadat Nagar. He is permitted to visit his grocery shop in Sadat Nagar till further orders.
- v. ABA stands disposed of.

- vi. Criminal Application No. 3228/2021 filed for assisting
APP is disposed of.

[PRAKASH D. NAIK, J.]

ssc/