

Rajesh Kumar Nageshwar Singh and Another ...Applicants
vs.
The State of Maharashtra ...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2420 OF 2019

Manoj Kumar Nageshwar Singh and Another	...Applicants
vs.	
The State of Maharashtra	...Respondent

Mr. Amit Dubey i/b. Mr. Arun Singh, for the Applicants.
Ms. Anamika Malhotra, APP for the Respondent-State.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 04, 2021

1. This is an application for pre arrest bail in connection with C.R. No. 828 of 2019 registered with Virar police station, for the offences punishable under sections 324, 323, 342, 452, 504 and 506 read with 34 of Indian Penal Code, 1860 (the Penal Code).

2. The first informant is the daughter of applicant No. 1 and sister of applicant No. 2 in application No. 2419 of 2019. The first informant lodged report with Virar police station with the allegations that on 5th September, 2019 at about 3.00 pm the

applicants came to her house. Shut the door from inside. The applicants assaulted her husband Ajaykumar by a plastic pipe and abused and threatened him. The applicants and her maternal and paternal uncle, Mr. Manojkumar, the applicant in ABA No. 2420 of 2019, forcibly took away Ajaykumar in an auto-rickshaw. They were assaulting Ajaykumar in the auto rickshaw as well. Hence, the rickshaw driver made them to deboard.

3. By an order dated 7th November, 2019 this Court granted interim relief to the applicants in both the applications.

4. From the perusal of the allegations in the first information report, it becomes abundantly clear that the relations between the first informant and the applicants were strained over the marriage of the first informant with Ajaykumar, against the wish of her father and other family members. The genesis of the dispute and the alleged offences thus appears to be familial discord. In the backdrop of the nature of allegations, custodial interrogation of the applicants does not seem warranted.

5. In the peculiar facts of the case, I am persuaded to allow the application and confirm the interim order dated 7th November,

2019. Hence, the following order.

ORDER

- 1] The applications No. 2419 of 2019 and 2420 of 2019 stand allowed.
- 2] The interim order dated 7th November, 2019 passed in both the applications stands confirmed on the same terms and conditions.
- 3] In addition, the applicants shall regularly attend the proceeding arising out of C.R. No. 828 of 2019 before the jurisdictional Court.
- 4] Both the applications stand disposed of.

(N. J. JAMADAR, J.)