

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.651 OF 2021

Priyesh Jagdish Jaiswal

..vs..

State of Maharashtra, thr. P.S.O.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Y.K. Dhande, Advocate for applicant.

Shri S.D. Sirpurkar, A.P.P. Advocate for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 20/10/2021

Heard.

2. At the instance of report lodged by the victim-lady, the crime bearing No.707 of 2021 was registered with Awadhootwadi Police Station, Yavatmal. It is alleged that after marriage, the applicant who is her husband used to harass her at the instance of monetary demand. Moreover, the victim-lady alleged about sexual harassment against her father-in-law. She stated that several gold articles were lying in the bank locker of her father-in-law. The role of the applicant-husband is of mental and physical harassment to meet the monetary demand.

3. The non-applicant/State resisted bail by filing reply-affidavit. It is contended that within few years from the marriage, the applicant-husband has started to harass his wife and made her life miserable.

4. Pertinent to note that all the allegations of sexual harassment are against the victim's father-in-law, who has been protected by the Sessions Court. The applicant-husband who is presently facing accusation of matrimonial harassment, would attract punishment which may extend up to 3 years of imprisonment. Only because of crime is registered, it is not must in each and every case to arrest the accused. There must be reasonable grounds for taking custody, since the aspect relates to the liberty of a person.

5. Having regard to these facts, applicant's liberty can be protected by directing him to join the course of investigation. Therefore, the following order:

- (a) The Criminal Application is allowed.
- (b) Ad-interim order dated 29.09.2021 is hereby made absolute upon same terms and conditions.
- (c) The applicant shall continue to attend concerned Police Station on every Sunday till filing of charge-sheet or for the period of 60 days whichever is earlier.
- (d) The applicant shall not enter into the limits of District Yavatmal till filing of the charge-sheet or for the period of 60 days whichever is earlier.

JUDGE