

Sher Shabir Khan and ors .. Applicants
Versus
The State of Maharashtra .. Respondent

Mr. Sunny Washar with Dilip Gupta, Harshada Morey i/b Ashok Shukla for the applicant.
Mrs. Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 21st JULY, 2022

P.C:-

1 The applicants face accusation in C.R.No. 646 of
2022 registered with Charkop police station invoking Sections
323, 342, 365, 504, 506 II of the IPC.

The applicant nos.1 and 2 are brothers-in-law of the complainant, whereas the applicant no.3 is a person residing in the neighborhood and acquainted with the family. They are apprehending their arrest in the said C.R.

2 The complainant lodged a report, stating that she was married to the brother of applicant no.1 and out of the wedlock, they have two children. She was subjected to harassment by her

husband since he was addicted to liquor and in the year 2019, she came in contact with one person and she developed love relationship with her. Being fed up with the ill-treatment at the hands of her husband from 2020, she started residing with him along with her children. In the year 2020, she started residing with her parents in District Beed. However, from 20/5/2022, she shifted to the residence of her paramours along with her children.

3 The incident reported is of 21/6/2022 when she allege that she along with the person with whom she was residing, was present in the market and at that time, her husband and applicants arrived at the spot and abused and assaulted her. It is alleged that she along with her friend was made to sit in a rickshaw and taken to the husband's room where it is alleged that they were assaulted and threatened.

4 The learned APP has placed on record the medical certificate of the complainant which refer to abrasion and CLW. The statement of one independent witness who was present in the market is also recorded, who corroborate the version of the complainant, that the complainant was assaulted by some unknown person.

Assuming that the incident is true, from the medical certificate, the injuries sustained by the complainant are minor in nature and that is why, Section 323 is invoked. As far as the allegation u/s.365 is concerned, in my considered opinion, it do

not warrant any custodial interrogation since the husband of the complainant and his close associate were aggrieved by her decision to co-habit with a person, in a live-in relationship and he questioned her about that. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant no.1 Sher Shabir Khan, applicant no.2 Mosin Rasul Khan, applicant no.3 Mrs.Aysha Anwar Shaikh in connection of C.R.No.646/2022 registered with Charkop police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall report to the police station on 27/7/2022 and 28/7/2022 between 3.00 pm to 5.00 p.m and thereafter as and when directed.

5 The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)