

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.32 OF 2023

Shivaji Rustum Matsagar

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. G.V. Wani, Advocate h/f Mr. Dinesh D. Nikam, Advocate for
the Applicant

Mr. A.A. Jagatkar, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 485 of 2022 registered with Vaijapur Police Station, District Aurangabad for offences punishable under sections 498-A, 377, 323, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Monali Shivaji Matsatar, wife of the applicant on 08/12/2022 alleging that her marriage was solemnized with applicant on 28/06/2018. Out of the wedlock, son Sambhaji is born. In the marriage, her parents have given 13 *tolas* gold and household articles. After the marriage, for about 1½ years, she was treated well. Thereafter, her in-

laws started ill-treating her saying that the marriage was not properly performed. They wanted to establish petrol pump at Shivoor, and therefore, she should bring Rs.50 lakhs from her father. She was driven out of the house for the said purpose. Her parents collected an amount of Rs.35 lakhs and paid it to the applicant. Then the petrol pump of Shivoor was established. Thereafter, her ill-treatment stopped. The applicant was in United Kingdom for 10-12 years. After the marriage, he used to have unnatural sex with her. Due to which, she was having trouble. Again, demand of Rs.25 lakhs was made by the applicant. Informant told him that it is not possible for her parents to give such a huge amount. She was then driven out of the house. Since 2021, she is staying at her maternal house along with her son.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. The applicant has placed on record copy of letter of intent issued by Essar Oil and Gas Company on 25/05/2015, under which, the applicant was allotted petrol pump at village Khandala, Taluka Vaijapur, District Aurangabad. This petrol pump was allotted to the applicant prior to the marriage.

5. Second petrol pump is allotted to the applicant by Nayara Energy vide letter of intent dated 14/12/2020. The same is established in village Shivoor, Tq. Vaijapur, District Aurangabad.

6. It appears from the record that the applicant has sold his property worth Rs.2 Crores on 17/11/2021. The applicant has also placed on record complaint of the informant dated 19/10/2022 made to the Women's Cell, Aurangabad (*Gramin*), wherein the only allegation levelled by the informant against the applicant is that he used to consume liquor and beat her, and used to demand of Rs. 25 lakhs, and for that purpose, she was driven out of the house. The allegations of commission of offence under section 377 of the Indian Penal Code made in the present FIR lodged on 08/12/2022 are not mentioned in the earlier complaint. It is also the matter of record that informant has filed Miscellaneous Application No. 215 of 2022 seeking maintenance under section 125 of the Code of Criminal Procedure against the applicant on 11/05/2022.

7. The applicants was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from the applicant.

8. In the light of aforesaid facts, pre-trial custodial detention of the applicant is not necessary.

9. In the result, the application is allowed. In the event of arrest of applicant in connection with Crime No. 485 of 2022 registered with Vaijapur Police Station, District Aurangabad for offences punishable under sections 498-A, 377, 323, 504, 506 read with 34 of the Indian Penal Code, the applicant shall be released on bail on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

10. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane