

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

89 CRIMINAL APPLICATION NO.124 OF 2023

1. Datta @ Dattatraya s/o Ganpat Ingole
(withdrawn)
2. Shantabai w/o Ganpat Ingole
3. Balu @ Balkrishna s/o Ganpat Ingole
4. Datta @ Dattatraya s/o Ganpat Ingole ...Applicants

versus

1. The State of Maharashtra
2. The Police Station in charge
Kotwali Police Station, Parbhani
3. Ambika Datta Ingole ...Respondents

...
Advocate for Applicants : Mr. Fernandes Cedric D
APP for Respondent No.1: Mrs. V.N. Patil-Jadhav
Advocate for Respondents : Ms. Sayali Tekale-Dadpe

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 11th SEPTEMBER, 2023.**

PER COURT :-

The applicants before us are the husband and his relations. They are alleged to have committed the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C.

2. The applicants have placed on record certain photographs which suggest that respondent No.2 has performed second marriage and even blessed with a child. There is no denial of this fact either by the State or the learned advocate appointed to represent

respondent No.2.

3. Although the learned advocate for respondent No.2 and the learned A.P.P. for respondent State have strongly resisted the application, on going through the F.I.R. and the relevant police papers, we find that the allegations against the applicants are general, vague and omnibus in nature. In the aforesaid factual backdrop, asking the applicants to stand trial would be an abuse of process of Court. In view of the same, we are inclined to allow the application. The application is therefore, allowed in terms of prayer clause "B".

4. The applicants to deposit an amount of Rs.10,000/- (Rupees Ten thousand only) in this Court within a week from today. Once the amount is deposited, the same be paid to the learned advocate appointed to represent respondent No.2.

5. List the matter on 25.09.2023 for compliance of the order.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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