

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1022 OF 2023

Manda w/o Santosh Sonune & others

Applicants

Versus

The State of Maharashtra

Respondent

Mr. Govind Kulkarni, Advocate for the applicants.
Mr. V. S. Badakh, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 15th SEPTEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0144/2023 registered with Jafrabad Police Station, Tq. Jafrabad, Dist. Jalna for offences punishable under Section 327, 143, 147, 148, 149, 504 of Indian Penal Code.

2. First informant is the mother-in-law of applicant No. 1 who has reported that her son Santosh was married to applicant No. 1 in the year 2008 and out of the said wedlock they have two children. It is also stated in the report that since 2014, applicant No. 1 and her husband got separated and matrimonial dispute is pending in the Court. It is also stated that the custody of children is with applicant No. 1. It is also alleged that on 31st May, 2023, her son

Santosh had brought his daughter to the house. It is further stated that on 6th June, 2023, at around 9.00 pm, applicants came to the house of informant and abused and beat her. It is alleged that they snatched gold chain from the neck of the informant and have stolen amount of Rs. 1,68,000/- kept in a tin box.

3. Learned counsel for applicants submits that there are disputes between the parties over marital discord between applicant No. 1 and her husband since 2014 and that for the purpose of fetching the girl back for the reason that schools were to reopen, she had been to the house of informant along with her mother and neighbouring lady. It is submitted that no such incident has occurred and in order to falsely implicate them in the crime, offence is registered.

4. Learned APP opposed the application by relying upon the First Information Report as well as statement of witnesses recorded during investigation.

5. Undisputedly, applicant No. 1 and informant are not in good terms. There is matrimonial dispute pending between the son

of informant and applicant No. 1 since 2014. First Information Report however indicates that the custody of minor children is with applicant No. 1. In view of this, this Court finds substance in the contention of applicant No. 1 that since the schools were to reopen on 6th June, 2023, she went to the house of informant to fetch her daughter.

6. There is no reason or justification that any incident of assault has occurred more particularly the allegation of theft of gold chain and cash of Rs. 1,68,000/-. There is nothing on record to indicate that applicants are having any criminal antecedents. Owing to the previous disputes between the parties, false/over implication cannot be ruled out. In such circumstances, this Court finds it fit to grant anticipatory bail to the applicants. Application is allowed in terms of the interim order. For any purpose, if the custody of the applicants is required, they would be deemed to be in custody of the Investigating Officer for the purpose of recovery, if any.

(R. M. JOSHI)
Judge