

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1533 OF 2022

NAVNATH HARICHANDRA RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Prashant E. Ramteke, Advocate for Applicant
Mr. S. R. Yadav Lonikar, APP for Respondents – State
Mr. V. Y. Patil, Advocate for Informant

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 02nd FEBRUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.183/2022, registered with Harsul Police Station, Aurangabad, for offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. FIR is lodged by the applicant's wife alleging that applicant is serving in Border Security Force (BSF) and he is presently posted at West Bengal. Her marriage with the applicant was solemnized on 19/03/2020. At the time of marriage her parents gave dowry of Rs.5,00,000/- and household articles. The couple is blessed with one son aged 1.5 years, by name Vaishnav. After marriage informant was treated well for about one month and thereafter applicant and his family members started ill-treating the

informant. Applicant was insisting that he should be given a big plot in the plotting done by her father. Since this was not done, she was given mental and physical harassment by the in-laws and the applicant. From time to time she has lodged complaints to the police about her beating by the applicant, which are registered as non-cognizable cases.

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

4. Applicant is serving in Border Security Force and is posted at West Bengal. Considering the allegations made in the FIR and the material collected during the course of investigation, nothing is to be recovered from applicant. Offence is registered in the month of September, 2022, and the investigation appears to be on the verge of completion. In the facts of present case, pre-trial custodial detention of applicant is not necessary.

6. In the result, application is allowed by confirming interim order dated 16/11/2022. Till filing of the charge-sheet, applicant shall attend concerned police station as and when called by investigating officer. Applicant shall not tamper prosecution evidence.

7. Till conclusion of the trial applicant shall not visit the maternal house of informant, where she is presently staying.

(NITIN B. SURYAWANSHI, J.)