

Cri. Bail Application No. 998 / 2020

1.	Ravindra Devaji Dupare	
2.	Sau. Chandrakala Devaji Dupare	
3.	Devaji Hansaram Dupare	
4.	Sau. Darpan Gautam Balsane	
5.	Gautam Gambhir Balsane	.. Applicants/ Accused.
Vs.		
	The State of Maharashtra through PI Gangapur P.Stn. (Cr. No. I 291/2020)	.. Respondent.

Order below Exh.1

1. This application has been filed by the applicants/accused under section **438 of Cr.P.C.** for releasing them on **anticipatory bail** in Crime No.I **291/2020** registered at Gangapur Police Station for the offences punishable under section 498-A, 494, 323, 504 & 506 r/w.sec. 34 of the Indian Penal Code.

2. According to the prosecution case, the FIR was lodged by the wife of the applicant No.1 alleging therein that she was ill-treated by all the accused persons mentally & physically on account of trifle reasons. They all made her life miserable. They even did not inform her that the applicant No.1 was already married and it was his second marriage with her. After marriage she went to reside at her matrimonial house. She stayed jointly with all accused persons. During her stay, the accused persons started demanding Rs.10 lacs for purchase of new house. Due to financial issues, her family could not fulfill their demand. Their relations became strained and they all started ill-treating her in different ways. Left with no option, she lodged FIR against them in the police station. In pursuance of the said FIR, the applicants are apprehending their arrest at the hands of the police. So, they filed an application for anticipatory bail /protection.

3. The learned counsel Mr. A.S. Gaikwad appearing for the applicants/accused has submitted that all allegations are false. The applicants are implicated in the false case. They never made any demand for money nor they harassed her on that count. On the contrary it was the applicant No.1 who paid Rs.70,000/- at the time of treatment of complainant's mother. The relations became strained when applicant No.1 has requested the complainant to repay the said amount. She was not willing to repay the amount, got annoyed and threatened all the accused to falsely implicate them in the case. The learned counsel further says that the applicant No. 2 & 3 are suffering from various ailments, they have no concerned with the crime. As regards applicant No. 4 is concerned, she is the sister-in-law. She is already married and stays at her matrimonial house. There is no question that she may harass the complainant. Further, there are no criminal antecedents. They are ready to abide by all the terms & conditions as will impose by this Court. Hence, he prays to allow the application.

4. The Investigating Officer has filed his Say on record at **Exh.10** and strongly opposed the application stating that the applicants have cheated the complainant by concealing the earlier marriage of applicant No.1. All accused persons used to harass her mentally & physically. Their custodial interrogation is required for detailed investigation. Hence, he prays for rejection of the application. The learned APP Shri. S.G. Gorwadkar submitted his objections in line with the say filed by the Investigating Officer.

5. After hearing both the sides and perusing the record, it appears that the dispute between the parties is matrimonial. The custodial interrogation in such cases is not warranted. It is not the case of the

complainant that she has to recover something from the accused persons. So there is no recovery as such. Considering the present situation of **Covid-19** Pandemic in the country, I am inclined to grant anticipatory bail to the applicants/accused. With this I proceed to pass following order. :

ORDER

1. Application is hereby allowed.
2. In the event of arrest, Applicants / accused Nos. 1 to 5 **Ravindra Devaji Dupare, Sau. Chandrakala Devaji Dupare, Devaji Hansaram Dupare, Sau. Darpan Gautam Balsane and Gautam Gambhir Balsane**, shall be released on **bail** on furnishing their P.R.bond of **Rs.20,000/- each** with one or more sureties in the like amount on the following conditions. :-
They shall -
 - (a) not act in manner injurious to the interest of the prosecution.
 - (b) maintain law and order.
 - (c) furnish the address of their residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.
 - (d) attend the concerned police station as and when called by the concerned Investigating Officer.
3. If the applicants commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.
4. Accordingly, application is disposed of.

(**Smt. S.S. Nair**)

Date : 06.08.2020.

Addl. Sessions Judge-3, Nashik.