

Order below Exh. 1 in Cri. Bail Application No. 2753/2017 :-

This is an application filed by the applicants under Section 438 of the Code of Criminal Procedure, praying for releasing them on anticipatory bail in connection with C.R. No.121/17 registered with Samarth Police Station, Pune, under Section 498-A read with section 34 of the Indian Penal Code.

2] The applicants have submitted that the complainant Aishwarya Gaurav Dube lodged complaint with Samarth police station and crime is registered against them under section 498-A read with section 34 of the Indian Penal Code. They have therefore apprehension about their arrest in the said crime.

3] The applicants have specifically submitted that they have not committed any offence as alleged and they are entitled for the relief of anticipatory bail.

4] The prosecution has resisted this application vide it's say Exh. 7.

5] Heard Advocate Smt. Londhe for the applicants. Heard APP Shri. Sapre for the State. Perused record.

6] In view of these facts, following points arise for determination. I have recorded my findings against them for the reasons stated thereafter.

<u>Points</u>	<u>Findings</u>
1. Whether the applicants are entitled for anticipatory bail ?	Yes.
2. What order ?	As per final order.

REASONS

Point No.1 :-

7] While arguing this application, it is submitted by Advocate Smt. Londhe on behalf of the applicants that the allegations made against the applicants are false allegations and their custodial interrogation is not necessary and they are entitled for the relief of anticipatory bail.

8] On perusal of record, it appears that the complainant Sou.Aishwarya Gaurav Dube, the wife of the present applicant No.2, lodged complaint on 16-6-2017 with Samarth police station against the applicants alleging that since the time of her marriage till 29-11-2016, she was subjected by the applicants to mental and physical cruelty.

9] On lodging complaint, crime is registered against the applicants and they have therefore expressed their apprehension about their arrest.

10] Having gone through the entire contents of the complaint, it appears that the marriage of the complainant Aishwarya was solemnized with applicant No.2 Gaurav on 25-1-2016. According to the complainant, she was subjected to cruelty since the time of her marriage till 29-11-2016. The stay of the complainant with applicant No.2 appears to be a period of about ten months and her allegations do not appear

to be reliable.

11] It reveals from the complaint that the complainant has made allegations against the applicants, which are general in nature and those allegations do not constitute cruelty as contemplated under section 498-A of I.P.C. It appears that the complainant has implicated her husband and his relatives in this case and the allegations made by her do not appear to be true and acceptable allegations.

12] Besides, it has to be noted that nothing is to be recovered from the applicants and their custodial interrogation does not appear to be necessary.

13] Considering these facts together and considering the nature of offences alleged to have been committed by the applicants, I am of the view that it will be just and proper to allow this application and to release the applicants on anticipatory bail, imposing some conditions. Hence, the following order :-

ORDER

The application is allowed.

In the event of arrest of the applicants No. 1) Raghuwir Madhusudan Dube, 2) Gaurav Raghuwir Dube, 3) Mrs. Meena Raghuwir Dube, 4) Vishal Raghuwir Dube, 5) Aditi Vishal Dube, 6) Sanika Raghuwir Dube and 7) Vasanti Raghuwir Dube in connection with Crime No.121/2017 registered with Samarth Police Station under section 498-A read with section 34 of the Indian Penal Code, they be released on anticipatory bail on executing PR bond of Rs.15,000/- each with one solvent surety

for the like amount on the following conditions :-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses in any manner whatsoever.
- b) The applicants shall attend the concerned Police Station as and when called by the Investigating Officer, till the charge-sheet is filed.
- c) The applicants shall co-operate with the Investigating machinery.

Inform the concerned Police Station accordingly.

Date:- 29-8-2017.

(L.L. Yenkar)
Additional Sessions Judge, Pune.

I affirm that the contents of this PDF file order are same word to word as per original order.

Name of Steno. : S.R. Shahane,

Court Name : Smt. L.L.Yenkar,

Additional Sessions Judge, Pune.

Date on which the P.O.

Signed the order :

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