

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AKOLA

(Presided over by Shayana Patil)

Misc. Cri. Appl. No.774/2022.

1. **Balabhau Narayan Lade**
Aged about 60 years, Occ.Retired,
2. **Asha Balabhau Lade**
Aged about 55 years, Occ. Housewife
3. **Rupesh Balabhau Lade**
Aged about 34 years, Occ. Education.
All R/o. New Tapdiya Nagar, Near
Jubilee School, Kharap Road,
Akola. ... Applicants.

- Versus -

The State of Maharashtra,
Through P.S.O. **P.S. Civil Line**,
Akola, Dist. Akola. ... Non-applicant.

ORDER

[Passed on 15.10.2022]

1. The application filed under Section 438 of Cr.P.C is arising out of apprehension of arrived in the offence under Section 498 read with Section 34 of IPC on complaint by daughter-in-law of the applicant No. 1 and 2. It is apparent from the contentions in the applicant itself that any specific crime number is not specified and as such any offence is not yet registered. Even the prosecution has filed say at Exh. 6 and submitted that any offence under Section 498-A read with Section 34 of IPC is not registered against the applicant at Civil Lines Police Station.
2. On the other hand, the documents filed with the list Exh.

3 revealed that the one Sau. Madhuri Lade daughter-in-law of applicant No. 1 and 2 have made a complaint to Bharosa Cell, Akola on 17.06.2022 with allegations under Section 498-A, 406 read with Section 34 of IPC against the husband and in-laws. Any further proceeding before Bharosa Cell is not placed on record. Said complaint dated 17.06.2022 reveals endorsement that the proceeding was before Bharosa Cell, Akola. As such the incidence of matrimonial dispute and allegations made by daughter-in-law of the applicant No. 1 and 2 in respect of matrimonial dispute and ill-treatment by in-laws is till pending. Under such circumstances, the apprehension of the applicants about possibility of registration of offence is reasonable. However, any blanket order for anticipatory bail cannot be granted in absence of any specific FIR. Hence, the order as follows:-

ORDER

- 1) Police Inspector of Civil Lines police station, Dist. Akola shall issue 72 hours pre-arrest notice to the applicants, in the event of their arrest in any offence punishable under Section 498-A r/w. Sec.34 of the Indian Penal Code, registered at said police station on the complaint of Sau. Madhuri Yogesh Lade – wife of applicant no.1, within two months from today.
- 2) Application is disposed of accordingly.

Date : 15.10.2022.

[Smt. Shayana Patil]
Addl. Sessions Judge, Akola

Certificate

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

Name of Steno	:	Shamim Sayed
Court's name	:	District Judge-1 & A.S.J., Akola.
Date	:	15.10.2022
Signed by P.O. on	:	05.12.2022
Uploaded on	:	05.12.2022