

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

CRIMINAL APPLICATION NO. 362 OF 2022

Avdhesh Kumar Mahavirprasad Sharma

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. R.S. Deshmukh, Senior Advocate i/b Mr. D.R. Deshmukh, Advocate for applicant

Mr. R.B. Bagul, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.

DATED : 31st JANUARY, 2022

PER COURT :

1. This is an application under Section 482 read with Section 483 of Code of Criminal Procedure ("Cr.P.C."). The applicant hereby seeks interim bail in connection with Crime No. 380 of 2021 registered with Vazirabad Police Station, Dist. Nanded for the offences punishable under Sections 498A, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ('F.I.R.') and the documents relied on.

3. Learned A.P.P. justifies the order impugned herein. According to him, the trial Court is going to consider the applicant's prayer for bail

tomorrow itself. According to him, custody of the applicant is required. The applicant had already been arrested. He, therefore, urged for rejection of the application.

4. The applicant herein is eighty years of age. His son married a girl from Nanded. The F.I.R. came to be registered against him and other family members at the instance of his daughter-in-law with the police station in Nanded for the above referred offences. The Maharashtra Police went to the native of the applicant in the State of Rajasthan and arrested him. Since the learned Chief Metropolitan Magistrate, Jaipur did not grant the applicant herein relief, writ petition came to be moved to the High Court of Rajasthan, Bench at Jaipur. The High Court, on 04th January, 2022, modified the order of the learned Chief Metropolitan Magistrate, Jaipur and directed that the applicant herein shall not be arrested in the matter until 31st January, 2022. The applicant was given liberty to exercise his legitimate rights, be it under Section 438 of 482 of the Cr.P.C. or of criminal writ.

5. Thereafter, the applicant appeared before the in-charge Chief Judicial Magistrate, Nanded and urged for extension of time to surrender. His application came to be rejected on 21st December, 2021. The applicant moved an application for bail. Learned Chief Judicial Magistrate, Nanded passed the following order on the application for bail :-

“Hon’ble High Court of Rajasthan has granted interim protection to accused till 31.1.22 in S.B. Cri. Misc. Petition 852/2021 vide order dated 4.1.2022. Copy of order is annexed. Ld. APP & I.O. submitted they need custody of accused for interrogation. In view of order of Rajasthan High Court accused cannot be arrested till 31.1.2022. The accused applicant is not arrested. He is not in custody. He has not stated in this application whether he wants to surrender to the custody of this court. Offences u/s. 498-A & 354 are not bailable. Hence considering interim protection granted by Rajasthan High Court hearing of application is deferred till 1.2.2022.”

6. The applicant is eighty years of age. Considering the nature of offence alleged to have been committed by the applicant herein, this Court is inclined to grant him interim bail (regular). Hence the following order :-

ORDER

(i) Till 21st February, 2022, the applicant be released on bail, in connection with Crime No. 380 of 2021 registered with Vazirabad Police Station, Dist. Nanded for the offences punishable under Sections 498A, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(ii) Learned Chief Judicial Magistrate, Nanded is directed to decide the application moved by the applicant herein for bail on it's own merits within a couple of weeks from the date of receipt of copy of this order.

- (iii) Parties to act upon the authenticated copy.
- (iv) Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD