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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 269 OF 2015
(APPLICATION FOR ANTICIPATORY BAIL)**

Brijendrapratap Narendra Singh	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Harideep Singh for the Applicant
Ms.S.S.Kaushik, A.P.P for the Respondent No.1-State.
Ms.Mallika A. Ingale, *Amicus Curiae*, for Respondent No.2 – Orig.Complainant.
Applicant is present in person.
Original Complainant/Respondent No.2 is present in person.
PSI – Swati More, Samta Nagar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 31st MARCH, 2015.

P.C. :

1. Heard the learned counsel for the Applicant, the learned counsel for the Respondent No.2 – Original Complainant and the learned APP for the State.
2. By this application, the Applicant seeks pre-arrest bail in connection with C.R.No.69 of 2015 registered with the Samta Nagar Police Station, Mumbai for the alleged offences punishable under Sections 498(A), 406, r/w 34 of the Indian Penal Code.

3. The applicant is the husband of the respondent no.2 – original complainant. The marriage between the parties was solemnized on 1st June, 2005 and within a few years, dispute arose between the parties. According to the learned counsel for the applicant in December, 2012, he sent a notice to the respondent no.2 seeking restitution of conjugal rights and in April 2014, he filed a petition for divorce as against respondent no.2. Learned Counsel for the Applicant submitted that in April 2014 the complainant came along with her family members and manhandled his family members, for which a complaint has been lodged by him, with the Samta Nagar Police Station. Learned Counsel further submitted that on 25th April, 2014 the complainant and her family members allegedly broke open the lock of the premises and entered the matrimonial house and took away his mother's jewelery and cash of Rs.35,000/-. Pursuant to the said incident, the applicant is also alleged to have lodged a complaint vide C.R.No.144 of 2014 for the offences punishable under Sections 324, 504 r/w 34 of the Indian Penal Code.

4. Learned Counsel for the Respondent No.2 and the learned APP submitted that the complainant has not only alleged cruelty at the hands of the applicant, but has also stated that her husband and in-laws have taken away her 'stridhan' which she had enumerated in her complaint. Apart from her ornaments, her

household articles and money that were given to her, at the time of marriage, are also alleged to have been taken by the applicant and his father. She has set out in detail the demands made by the applicant and the others of Fridge, T.V., Cooler, Motor Cycle etc. She has also alleged as to how the applicant had assaulted her. The complainant has also made serious allegations against her father-in-law.

5. Heard learned counsel for the applicant. Perused the complaint lodged by the complainant and certain documents. Prima-facie, the complaint sets out in detail, the allegations constituting an offence, under Section 498A as well as Section 406 of the Indian Penal Code. The applicant, who is present in Court through his Counsel, undertakes to deposit a sum of Rs.2,00,000/- in this Court, without prejudice to his rights and contentions i.e. the approximate amount of the 'stridhan'. Considering the same, the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail furnishing P.R.Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount ;
- ii) The Applicant shall report to the Samta Nagar Police Station, Mumbai, on the 1st and 3rd Saturday of every month between 10.00 a.m. to 11.00 a.m., till the filing

of the charge-sheet ;

- iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case;
- iv) The Applicant shall co-operate with the investigating agency ;
- v) The amount of Rs.2,00,000/- undertaken to be deposited by the applicant shall be deposited in the Registry of this Court, within four weeks from today ;
- vi) After the charge-sheet is filed in the said case, learned counsel for the applicant undertakes to inform the Registry of the same, so as to enable the Registry to transfer the said amount of Rs.2,00,000/-, to the Registry of the Trial Court, which is seized of the matter ;
- vii) The Trial Court shall take into consideration the amount so deposited at the conclusion of the trial ;
- viii) The amount so deposited shall be invested by the Trial Court, as deemed fit ;
- ix) If during the pendency of the charge-sheet or

proceedings, the parties amicably settle the matter, the learned Trial Court will be at liberty to pass appropriate orders.

8. The Application is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.
10. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.