

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.539 OF 2015

Shri Mohammed Ibrahim Abdul
Hamid Deshmukh & Ors.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.Prakash Naik i/b Mr.Pawan Mali for the Applicant
Mr.Arfa Sait, APP, for Respondent – State
Mr.R.B. Sukale, API, Mahad Taluka police station, Raigad – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 27, 2015**

P.C.:

1. The application is moved for pre-arrest bail as the applicants/accused are facing charges of cruelty under section 498A r/w section 34 of the Indian Penal Code. Applicant No.1 is the father-in-law, applicant No.2 is the mother-in-law, applicant No.3 is the sister-in-law and the applicant No.4 is the husband of the complainant. The offence is registered at C.r. No.15 of 2015 at Mahad police station. The complainant was married to applicant/accused No.4 on 2.2.2012. She was given gold ornaments by her father and also gold was given as gifts. After the marriage, she wanted to study but her in-laws and her husband pressurised her for discontinuing her education. Her husband suspected her character. She was blamed for the same. She was harassed by her

in-laws. Her ornaments were taken away by the father-in-law and not returned to her. Her husband went abroad for service and her in-laws left her at her maiden home. So she filed the complaint.

2. The learned Counsel for the applicants/accused submitted that the charges against the applicants are false. Earlier, a complaint was lodged with the Trombay police station and after recording the statement of the complainant, the matter was settled between the parties. The learned Counsel submitted that the allegations of taking away gold articles are false. Accordingly, the applicants/accused have given a complaint to Mahad police station.

3. The learned Prosecutor has opposed the application. He relied on a written note given by the father-in-law on 9.2.2013 that he has taken the gold ornaments of the lady and it was confirmed on 19.2.2013 by the complainant in the presence of the witnesses. He submitted that the allegations are true.

4. Perused FIR, the statements, the written notes given by the applicant/accused No.1 i.e., the father-in-law on 9.2.2013. It appears that the gold ornaments are collected by the father-in-law and they are with him.

5. In view of this, pre-arrest bail for applicant No.1 Shri Mohammed Ibrahim Abdul Hamid Deshmukh is rejected and granted for applicant Nos.2, 3 and 4 as under:

- i) In the event of arrest, the applicant/accused Nos.2, 3 and 4 shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;
- ii) The applicant/accused Nos.2, 3 and 4 shall not tamper with the evidence;
- iii) The applicant/accused Nos.2, 3 and 4 shall not indulge into any kind of offence while on bail;
- iv) The applicants/accused shall cooperate with the Investigating Officer and attend the concerned police station as and when called, till filing of chargesheet.

6. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)