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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1206 OF 2015

Shri Aditya Keshav Salvi	..Applicant.
Vs.	
The State of Maharashtra & Anr.	..Respondents

Mr. Parag P. Pokale, for Applicant.
 Ms. S.D. Shinde, APP for the State.
 Mr. Rameshwar Gite for Respondent No.2.
 Mr. Kshatriya, Head Constable, Kapurbawdi Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 7th December 2015.

P.C.

1 This is an application for pre-arrest bail in CR No.I-310 of 2015 dated 3.7.2015 registered with Kapurbawdi Police Station, Thane under Sections 498-A , 506 and 34 of the Indian Penal Code.

2 The complainant Mrs. Arya Salvi is the wife of the applicant. In the first information report dated 3.7.2015, the complainant has stated that she got married as per Hindu religion on 26.11.2014. That after the marriage, when the applicant and the complainant went to Mahabaleshwar, the applicant came there in drunken condition and bused her. He also

threatened the complainant by saying that he is a criminal and he is having nexus with politicians and his friends are gangsters. She has specifically and categorically stated that the applicant thereafter loaded on his D.P. (Display Picture) on the social site “WhatsApp” showing that the applicant had put a sword on the neck of his friend Mahesh and had written a slogan that, whoever dares to challenge, he will be killed. The applicant also stated that he had asked his friends to keep a watch on the complainant. She has further specifically stated that the applicant used to demand Rs.6,50,000/- to be brought from the parents of the complainant failing which the applicant would defame the complainant and her parents. In this background the first information report dated 3.7.2015 has been registered.

3 Heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the respondent no.2 at length.

4 The learned Counsel for the applicant submits that prior to the lodgment of the first information report, the complainant had filed a complaint with the District Women and Child Development Officer, District- Thane. He contended that in the said detailed complaint the allegations which now have been made in the first information report were lacking. When a particular query was put by this Court as to whether in fact such a complaint was lodged by the complainant before that Authority and

whether the said Authority has acknowledged the same, the learned Counsel for the applicant could not point out the same. The alleged complaint made to the said Authority which is at page no.68 of the present compliation, does not bearing date and acknowledgement of the said Authority. It is the contention of the learned Counsel for the applicant that the F.I.R. is an improvement from the said undated complaint in the first information report. It appear that the submission is dehors of any substance least legal sanctity. The law relating to proving of a complaint the improvement and/or contradiction in it is well settled.

5 It is the settled position of law that the Investigating Officer has to record the first information report as it is as stated by the complainant and in that respect prima facie it appears to me that the present first information report dated 3.7.2015 has been recorded by the police officer as per the narration of the complainant. The learned APP on the other hand submitted that though the applicant was directed to attend the Investigating Officer under the orders of this Court, he did not give any answers to the queries put by the Investigating Officer. The applicant was not only evasive but was also very arrogant in his behaviour. The learned APP further submitted that the sword which was shown in the said D.P., is yet to be recovered. The applicant also did not give any details of his

alleged friend Mahesh, so also the information about the said Abdul mentioned in the F.I.R.

6 After taking into consideration the material available on record and after hearing the respective Counsel, I am of the opinion that the custodial interrogation of the applicant is very much necessary, firstly to recover the sword used in the D.P. which was published on the social site i.e. “WhatsApp” so also his boasting with gangsters and criminals and his relations with them. It is also necessary to unearth the truth involved in the present crime and the same cannot be possible without the custodial interrogation of the applicant.

7 In view of the above, I find no merits in the application and the same is rejected.

(A.S. GADKARI,J.)