

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1458 OF 2015

Ghanshyam Sachidanand Pandey	..Applicant
-Versus-	
State of Maharashtra	..Respondent

Mr. Virendra Pethe for applicant
Ms. M.H.Mhatre, APP for State
Mr. Pankaj Das for respondent No.2

CORAM : A.S.GADKARI, J.

DATE : 14th December 2015.

P.C.

1] The applicant is apprehending arrest in C.R.No.I-405 of 2015 registered with Vartak Nagar police station, Thane under sections 498A, 406, 506(2), 506, 323, 504 read with 34 of IPC.

2] The complainant Mrs. Punita Pandey has filed F.I.R. dated 15th July 2015 against her husband i.e. the applicant herein and her in-laws. In the said F.I.R. the complainant has alleged that after the marriage, the applicant used to demand dowry. The applicant was also having an extra marital affair with one lady. On one or two occasions, the applicant put a knife on her throat and threatened her

that he would kill her. That out of the wedlock with the applicant, the complainant has given birth to three daughters. When the complainant was pregnant for the third time, the applicant forced her to undergo sex determination test of the foetus and threatened the complainant that if at that time also she gives birth to a girl child, he would kill the complainant and three daughters. The complainant has further stated that on 30th December 2014, in the night the applicant again put a knife on her neck and threatened to kill her. At that time, her daughters created ruckus in the house and, therefore, the applicant left the complainant. She has further stated that on 28th June 2015 in the night, the applicant quarreled with her and, thereafter, put a gun on her head and compelled the complainant to consume some poisonous pills to commit suicide and also forced her to give the same to the daughters. That on the next date i.e. on 29th June 2015, the applicant abused the complainant, took all the ornaments of the complainant in his possession and told the complainant to bring Rs.25 lakhs from her father. The complainant has stated that as a matter of fact, the applicant has driven her out of the matrimonial house. In the premise, the complainant has lodged the F.I.R.

2] Heard the learned Counsel for the applicant, the learned counsel for the original complainant and the learned APP. Learned Counsel for complainant pointed out the fact that after this court granted interim protection to the applicant by an order dated 13th September 2015, the applicant has violated the terms of the said order and has committed a fresh offence bearing C.R.No.I-538 of 2015 registered with Vartak Nagar police station under sections 143, 149, 506(2), 294 read with sections 3 and 25 of Arms Act.. The learned APP after taking instructions from the concerned, I.O. has submitted that it is as a matter of fact, that the said fresh C.R. has been registered against the applicant at the instance of the complainant Smt. Punita Pandey.

3] At the outset, it is to be noted that as the applicant has indulged in criminal activities after getting the interim protection of pre-arrest bail from this Court , I am not inclined to entertain the present application of the applicant for pre-arrest bail in C.R. No.I-405 of 2015.

4] Apart from the above, even otherwise a bare perusal of the

F.I.R. discloses that the applicant on various occasions had threatened the complainant with deadly weapons including a fire arm. He has also forcibly taken in his own custody the ornaments/Stridhan of the complainant. It is necessary for the police to firstly effect recovery of the said deadly weapons mentioned in the F.I.R. and also to recover Stridhan of which a reference is made in the F.I.R. The gravity of offence and seriousness of the same makes the applicant disentitled to get any discretionary relief of pre-arrest bail from this court. I, therefore, find no merit in the application and the same is dismissed.

(A.S.GADKARI, J)