

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1654 OF 2014

Rajinderkumar Madansingh Bhakar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Vijendra S. Jabra, advocate for Applicant.

Mr. A.S. Shitole, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 12, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 154 of 2014 dated 13/10/2014 registered at Kalamboli
Police Station for offence punishable under Section 420 read with
Section 34 of the Indian Penal Code and under Section 4 of the Dowry
Prohibition Act, 1961.

3 It is the case of the prosecution that son of the present applicant was to get married to the daughter of the complainant i.e. the daughter of Surajbhan Amilal Zhazhadia, resident of Hanumangad, Rajasthan. It is alleged that the complainant had taken proposal of his daughter for the son of the present applicant. There was demand of dowry. According to the complainant, he has given Rs. 5 Lakhs to the applicant in July, 2013. In November, 2013 he had allegedly paid Rs. 5100/-. It is also alleged that there was a demand of Rs. 70 to 80 Lakhs towards dowry for the purpose of purchasing flat at Pune. Ultimately, the marriage was broken in the year 2013. According to the complainant, the applicant herein has committed an offence under Section 4 of the Dowry Prohibition Act by demanding dowry and has refused to return the cash amount paid to him at the time of settlement of marriage.

4 There is a delay of one year in initiating prosecution. There is no plausible explanation for the inordinate delay in lodging the FIR.

Prima facie, it appears that there was disagreement between both the parties over the manner in which the marriage should be performed. In any case, the marriage is broken. It, prima facie, does not appear that custodial interrogation would be imperative in the present case and therefore, the applicant deserves grant of pre-arrest bail.

5 However, observations made hereinabove are prima facie in nature. The same cannot be considered at the time of deciding the application for quashing of FIR or for deciding discharge application or at the time of trial.

6 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.

(iv) The applicant shall report to the concerned police station as and when called.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)