

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.41 OF 2016

Adityakumar Dwarkaprasad Gupta & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.R.S. Kate for the Applicant

Mr.S.H. Yadav, APP, for Respondent – State

Mr.O.A. Siddiqui i/b Kamran Shaikh for Resp. No.2

Ms.Rajani Salunkhe, PI, Meghwadi police station – present

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

DATE: **MARCH 10, 2016**

P.C.:

1. This application is moved for pre-arrest bail. The applicants/accused are facing charges under sections 498A, 406, 323, 324, 377, 504, 506 of the Indian Penal Code. The applicants/accused are father-in-law and mother-in-law of the complainant, who got married with their son on 5.7.2014. After marriage, as per the case of the prosecution, she was harassed and treated with cruelty by the husband who forced her to have unnatural intercourse. He demanded money from her. The applicants-accused used to abuse her and demanded more money from her. Her husband was having relations with some other girl after marriage. There was a continuous demand of money from her husband and in-laws and, therefore, she left the house. However, all her ornaments and the

other articles which she had received in the marriage are not returned by her husband and the applicants/accused.

2. The learned Counsel for the Applicants has submitted that the husband was arrested and is now released on bail. The allegations made in the complaint are not true. He further submitted that the custody of the applicant-accused is not required for investigation.

3. The learned Counsel for the complainant and the learned Prosecutor has opposed the application. It is submitted that a huge amount of Rs.25 lacs was paid by the father of the complainant before wedding and they demanded more money continuously from the complainant. The applicants/accused have harassed her and thus, they cheated her and her father and, therefore, it is to be rejected.

4. Perused the FIR. Heard the submissions of the learned Counsel for both the sides as also the learned Prosecutor. I am of the view that the custody of these applicants/accused is not required for effective investigation. It appears that there was a continuous demand of money from the applicants/accused or the husband. However, for that purpose, custody is not required. In view of this, the Anticipatory Bail Application is allowed on the following terms and conditions:

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with one or two solvent sureties in the like amount;
- ii) The applicants-accused shall not tamper with the evidence or pressurise the complainant;
- iii) The applicants-accused shall not indulge into any criminal activity;
- iii) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address;
- iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station from 16th March, 2016 to 19th March, 2016 between 10 am to 1 pm, till filing of chargesheet.
- v) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

(MRIDULA BHATKAR, J.)