

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.61 OF 2016

Sushil Madanlal Raika ... Applicant

Vs.

The State of Maharashtra ... Respondent

ANTICIPATORY BAIL APPLICATION NO.66 OF 2016

Anand Jagdish Agrawal & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Dr.P.K. Pandey for the Applicant in ABA/61/2016
Mr.A.H.H. Ponda i/b A.Raghuvanshi for Applicant in ABA/66/2016
Ms.S.S. Kaushik, APP, for Respondent – State
Mr.G.Upadhyay a/w Priyanka Jangid i/b Law Juris for Complainant
Mr.GV. Anavkar, PSI, Dindoshi Police Station – present

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

DATE: **APRIL 4, 2016**

P.C.:

1. These anticipatory bail applications are filed by the husband, mother in law and sister in law and a middleman. Both the parties are ready and willing to go for mediation.

2. The offence is registered at the instance of the wife against the applicants-accused under sections 498A, 406, 323, 504, 506(2) r/w section 34 of the Indian Penal Code in C.R. No.375 of 2015 with Dindoshi

police station, Mumbai on 8.7.2015. It is the case of the prosecution that the complainant and the applicant-accused one Anand Jagdish Agrawal in Anticipatory Bail Application No.66 of 2015 got married on 20.2.2015. After the marriage, she started residing with her husband. Her father had spent a lot of money for the wedding ceremony and gifted ornaments and gold and silver coins to the mother-in-law and sister-in-law. However, immediately after the marriage, the husband demanded Rs.50 lakhs and a car. There was a continuous insistence by the applicant-accused husband and mother-in-law that she should bring Rs.50 lakhs and the car from her father. The sister-in-law used to abuse her on a number of occasions. The applicant-accused husband insisted that she should bring this money and the car from her father and he used to assault her and finally on 30.4.2015, she left the house and since then, she has been residing with her father.

3. The learned Counsel for the Applicant in Anticipatory Bail Application No.61 of 2016, has submitted that he is not concerned with the family disputes of the complainant and the applicant-accused and her husband. The first meeting before the engagement had taken place in his house. He has close acquaintance with the family members of the applicant-accused. The learned Counsel appearing for the mother-in-law and the sister-in-law submitted that the sister-in-law i.e., accused No.3 is married and is not staying with the complainant and her husband. It is

further submitted that the mother-in-law has also not demanded any such amount.

4. Learned Prosecutor has submitted to the orders of this Court.

5. During the course of arguments, it was suggested that if the matter is sent to mediation, some solution can be arrived at by the parties. The learned Counsel for the complainant submitted that the complainant is ready to avail of mediation. Perused the FIR and the relevant documents.

6. Considering the facts and submissions made by the learned Counsel, I am inclined to grant pre-arrest bail to the applicant-accused Sushil Madanlal Raika. As regards the Anticipatory Bail Application No.66 of 2016, I am inclined to grant interim pre-arrest bail to all the three applicants/accused. Thus, the applicants/accused in both the Anticipatory Bail Application are granted pre-arrest bail on the following terms:

- i) In the event of arrest, the applicants-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two solvent sureties in the like amount;
- ii) The applicants-accused shall cooperate with the Investigating Officer and attend the concerned police station on 12.4.2016 from 10 am to 1pm.

- iii) The applicants-accused shall not tamper with the evidence or pressurise the complainant;
- iv) The applicants-accused shall not indulge into any criminal activity;
- v) The applicants-accused shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of his address;
- vi) 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.

7. The anticipatory bail application No.61 of 2016 is disposed of on the above terms.

8. In Anticipatory Bail Application No.66 of 2016, as the parties are willing to explore the possibility of amicable settlement through mediation process, considering the nature of controversy, I deem it fit to direct the parties to explore the possibility of settlement through mediation process. Accordingly, I appoint Shri Rajiv Patil, Senior Advocate, as Court appointed Mediator. The parties shall get in touch with the learned Mediator and participate and cooperate in the mediation process.

9. Awaiting mediator's report, stand over till 28.4.2016. To be listed under caption "settlement".

10. Copy of this order be forwarded to the Coordinator, High Court Mediation Centre, forthwith for information and necessary action. The parties shall get in touch with the Coordinator, High Court Main Mediation Centre, Mumbai for taking an appointment of the learned Mediator to ensure that the Mediator's report is submitted to the Court on or before 28.4.2016.

(MRIDULA BHATKAR, J.)

and also, the applicants-accused Nos.2 and 3 i.e., mother-in-law and the sister-in-law in Anticipatory Bail Application No.66 of 2016 on the following terms:

11. on the following terms:

12. Anticipatory Bail Application Nos.61 stands disposed of.