

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.231 OF 2016

Amol Vaman Survase	... Applicant
vs.	
State of Maharashtra	... Respondent

Mr. K.S. Patil i/b. Mr. Ranjeet Patil, for the Applicant.
Mrs. P.P. Shinde, APP for Respondent – State.
Mr. Santosh Pawar, for Respondent No. 2.

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

DATE: **8th MARCH, 2016**

P.C.:

1. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 498(A), 420 and 406 read with 34 of the Indian Penal Code in C.R. 556 of 2015 registered with Vakola police station, Mumbai. The wife of the applicant/accused gave information to the police on 12th December, 2015 about cheating, misappropriation of the property and cruelty against the applicant.

2. It is the case of the complainant that on information from

the website, the complainant and the applicant/accused came into contact. It was mentioned on the website that the applicant/accused was holding degree of M.com and that is why she has accepted the proposal of marriage and got married with the applicant on 2nd May, 2015 and the complainant started cohabiting with the applicant but later on she found that the applicant is not holding the degree of M.com as stated on the website and whatever displayed on the website was false. She also find that the applicant was having illicit relation with some other lady. It is the case of the complainant that the applicant/accused harassed her and not given proper treatment. Therefore within 3-4 months she returned to her maiden home. Hence, the offence was registered.

3. The learned counsel for the applicant submitted that the applicant/accused has not committed any offence. He is innocent. He is ready to cooperate the police. He submitted that pursuant to the order dated 18th February, 2016 passed by this Court, the applicant/accused has returned all the gold and silver ornaments to the complainant in the presence of panchas under panchanama dated 27th February, 2016. Hence, he prays for bail.

4. The learned counsel for the original complainant and the learned prosecutor while opposing the application submits that the part of gold earring is changed and that is of other metal than gold.

5. Perused the first information report and other documents. It appears from the panchanma that the articles which were claimed by the complainant-wife were returned. Whether the portion of the earring is of gold or not, at this stage, is word against word and cannot be decided unless the evidence is recorded. Considering the nature of the allegations, I am of the view that the custody of the applicant /accused is not required. Hence, the interim pre arrest bail granted by an order dated 5th February, 2016 is hereby confirmed with the same conditions. In addition the applicant to attend the investigating officer, Vakola police station as and when called.

6. Accordingly, the application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)