

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1172 OF 2016

Mr. Chandraprakash Girdharilal Panjwani ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Shriram Kulkarni i/by Rajan Pawar, Counsel for the applicant.
Smt. Rutuja Ambekar, A.P.P. for the State/respondent.

Coram : N. W. SAMBRE, J.

Date : 25th November, 2016

P.C. :

1. The applicant is seeking pre-arrest bail in Crime No.I-252 of 2016 for the offence punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.
2. It is the case of the prosecution that the present applicant has practiced fraud on the complainant, made her to take loan and utilise the said amount for his personal gain under the pretext of marriage and then asked her to leave home after marriage, resulting into registration of the present crime.
3. There is one more crime registered against the present applicant in which it is informed that, the Investigating Officer had

submitted the papers to the D.C.P. of the concerned zone for closure of the said crime as no cognizable offence could be made out therein. The authority will deal with the same without being influenced by the present order.

4. So far as to the present case is concern, admittedly upon perusal of the contents, there appears to be matrimonial discord. Mr. Kulkarni, the learned counsel for the applicant volunatious that he would deposit an amount of Rs.2,50,000/- with the Investigating Officer. The learned counsel for the applicant upon instructions from the applicant's elder brother, who is present in the Court submits that, the Demand Draft will be drawn in favour of the complainant of Rs.2,50,000/- to be tendered to the Investigating Officer on or before 8th December, 2016. The said undertaking is accepted. The Investigating Officer would hand over the said Demand Draft to the complainant.

5. In the background of the above and having regard of the attributions in F.I.R. and the investigation papers, in my opinion the custodial interrogation of the applicant is not warranted.

6. In view thereof, in the event of arrest the applicant be released on furnishing of P.R. Bond of Rs.50,000/- with one or two sureties in the like amount on the following conditions :

- (i) The applicant shall furnish his mobile phone numbers and permanent place of abode to the Investigating Officer.
- (ii) He shall not tamper the evidence and/or influence the witnesses.
- (iii) He shall not call the complainant or shall not visit the place of her residence or employment.

7. It is clarified that the alleged deposit of Rs.2,50,000/- is upon a voluntary statement made by the applicant. Same will not have any direct bearing over the merits of the claim of each of the parties taken out pursuant to the remedy available with them under the various statute.

[N. W. SAMBRE, J.]