

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1400 OF 2015

Shashikant Bhagwan Sathe	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

ANTICIPATORY BAIL APPLICATION NO. 1444 OF 2015

Bhagwan Mahadeo Sathe	... Applicant
Vs.	
The State of Maharashtra & Anr.	... Respondents

Mr. Vikas Kolekar, Advocate for the applicants.
 Mrs. P.P. Shinde, APP for the State.
 Ms. Farhana Shah, Advocate for respondent no. 2.
 Mr. S.M. Mali, P.S.I. Charkhop Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
 DATE: 8th March, 2016.

P.C.:

This Application is moved by the applicants for anticipatory bail are from the same C.R., hence they are heard together. Application no. 1400 of 2015 is moved by Shashikant Bhagwan Sathe/husband and Application no. 1444 of 2015 Is moved by Bhagwan Mahadeo Sathe/father-in-law, as they are facing charges under sections 498A, 406, 506(2) r/w. 34 of the Indian Penal Code at C.R. No. 318 of 2015 registered with Charkop Police Station. This complaint is filed at the instance of Chetana Shashikant Sathe

2. It is the case of the prosecution that it is an arranged marriage of

complainant and applicant/Shashikant Sathe which took place on 22nd April, 2014. Thereafter, she started residing with her husband. On the next day of her marriage, one girl entered the house and she told the complainant that the applicant/accused is her boyfriend, however, the applicant/accused tried to cover up the matter. She found that the applicant/accused was not working anywhere. He used to fight with her. He used to chat continuously on laptop or mobile. Then her husband was looking after the shop of her father. He demanded Rs.1,00,000/- to purchase the articles for the shop. Her father deposited Rs.1,00,000/- and then the applicant/accused withdrew the said amount by using ATM card. Then he made a demand of Rs.2,00,000/- from her father. The applicant/accused has admitted that he was having relations with some other girl. Thereafter there was a joint meeting on 24th May, 2015 and applicant/husband agreed that he would not keep any relationship with other girl. Her father-in-law was holding a licence for pistol and once applicant/accused pointed that pistol on her and threatened of her life. Thereafter he started harassing her more. On 17th June, 2015 she presented him a gold ring, however, he hypothecated the said gold ring to pay rent of the shop. The applicant/husband hypothecated her mangalsutra with the jeweller on 19th August, 2015 and her father got it back after paying Rs.40,000/-. On 25th August, 2015 they quarrelled and

at that time, applicant/accused assaulted her. Her father-in-law always supported his son throughout. He also demanded money from her. Thereafter, she gave complaint to the police. NC bearing no. 2690 of 2015 was registered against the applicants. She claimed that her gold chain and gold ring is to be returned and so also the amount of Rs.1,00,000/-which he had taken from her father is also to be returned.

3. The learned counsel for the applicant/accused has submitted that there were some meetings between the applicant/husband and complainant but the efforts were futile. He submitted that the applicants/accused are ready to cooperate the police. The applicants do not have criminal antecedents and they deny all the charges of cruelty.

4. The learned counsel for the respondent/original complainant and learned APP opposed this Application. It is submitted that applicants have tortured her physically as well as mentally throughout their married life of 1 ½ year. The applicant compelled her father to part with Rs.1,00,000/- and also he did not return her gold chain and ring. Thus, he has committed misappropriation of property. It is further argued that the applicant/accused has given threat of her life by pointing revolver at her, therefore, the applicants are to be arrested.

5. Perused the record. FIR is lodged on 30th August, 2015 with Charkhop Police station. The applicants/accused was granted interim pre-arrest bail on 23rd September, 2015. The allegations that there was demand of Rs.1 lakh from the father of the complainant, who deposited the same and thereafter the accused withdraw the said amount. The evidence of these facts can be collected on the basis of bank record. One more serious charge is that he pointed revolver at her and threatened her. However, for this purpose, the police may take steps in respect of weapon and the accused should cooperate to that effect. Considering the overall charges levelled against the applicants/accused, I am of the view that custody of applicants/accused are not required for effective interrogation. Hence, pre-arrest bail is granted to the applicants/accused on the following terms and conditions:

ORDER

- i) Applications are allowed.
- ii) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount;
- iii) The applicants/accused shall not tamper with the evidence or pressurize the complainant;
- iv) The applicants/accused shall not indulge into any criminal

activity;

v) The applicants/accused shall cooperate with the Investigating Officer and attend the concerned police station on every Friday between 6 p.m. to 7 p.m. till the filing of the charge sheet.

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.

6. The Applications stand disposed of accordingly.

(MRIDULA BHATKAR, J.)