Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1499 OF 2015

1. Rajendra Prasad Srivastava
2. Rajesh Kumar Srivastava
3. Shailesh Kumar Srivastava
4. Smt. Rajni Rajesh Kumar Srivastava
5. Ms. Priya Rajesh Kumar Srivastava ... Applicants

Vs.

1. The State of Maharashtra
2. Akanksha R. Srivastava ... Respondents

Mr. Nikhil Mangde i/b. Sathyanarayanan, Advocate for the applicants.
Mrs. Rutuja Ambekar, APP for the State.
Ms. Diksha M. Shah, Advocate for respondent no. 2.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **25th April, 2016.**

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused, who are family members of husband of complainant, are prosecuted for the offences punishable under sections 498A, 406, 323, 506(2) r/w. 34 of the Indian Penal Code. The applicant no. 1/grandfather is 72 years old, Applicant no. 2 is father-in-law, applicant no. 3 is uncle, applicant no. 4 is mother-in-law and applicant no. 5 is sister-in-law of the complainant.

2. It is the case of the prosecution that on 6th February, 2014, the complainant got married with Ritesh Srivastava and after marriage, she started residing with her husband. Within few days, there was continuous demand of money, ornaments, furniture and car from her. She was forced

to bring money and articles from her father. Her husband started abusing and assaulting her. There was continuous torture from the husband and applicants/accused. Her husband took all her ornaments and hypothecated it. It was possible for her to continue with him. So, on 15th February, 2015 she went to her maiden home and then thereafter the complaint was lodged on 16th July, 2015 which is registered at C.R. No. 352 of 2015 with Borivili Police Station.

3. The learned counsel for the applicants/accused submitted that the matter was referred to mediator, however, the mediation failed. He submitted that the husband was arrested and now he is released on bail.

4. Learned APP and learned counsel for the original complainant opposed this Application. It is submitted that there are many gold ornaments which are yet to be recovered.

5. Perused the report of the mediator. The mediation failed. There are allegations of harassment against applicant nos. 4 and 5, who are mother-in-law and sister-in-law of the complainant. Considering the nature of allegations, pre-arrest bail is granted to the applicants/accused on the following terms and conditions:

O R D E R

(i) Application is allowed.

(ii) In the event of arrest, the applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.20,000/- each with one or two sureties in the like amount;

(iii) The applicants shall not pressurize the complainant;

(iv) The applicants shall not indulge into any criminal activity, while on bail;

(v) The applicants shall cooperate the Investigating officer and shall attend the concerned police station on 6th May, 2016 from 10 a.m. to 2 p.m.

(vi) The applicants/accused shall not leave India without the prior permission of the Court.

(vii) In the event of breach of any of the conditions mentioned above, the prosecution will be at liberty to move the Court for cancellation of bail.

6. At this stage, the learned counsel for the original complainant prays to stay this order. However, considering the nature of allegations, I refuse to grant stay.

7. The Application for anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)