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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1520 OF 2015**

Rajinderkaur Avtarsingh Bhamra	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

**WITH
CRIMINAL APPLICATION NO.228 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.1520 OF 2015**

Jasmeet Kaur Bhamra	...Intervener
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IN THE MATTER BETWEEN

Rajinderkaur Avtarsingh Bhamra	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Virendra V. Pethe, for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

Mr.Paramvir G. Narula, for the Intervener.

***CORAM : REVATI MOHITE DERE, J.
DATE : 15th MARCH, 2016***

1. Heard learned Counsel for the applicant, learned counsel for the intervener and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with R.No.M Case 15 of 2014 registered with the Kharghar Police Station, for the alleged offences punishable under Sections 200, 312, 313, 316, 320, 322, 324, 325, 326, 377, 498A, 504, 506, 509 of the Indian Penal Code.

3. The present applicant is the mother in law of the complainant. The complainant was married to the applicant's son on 21st October, 2012. After marriage, the complainant and the applicant's son went to US on 3rd November, 2012. The complainant returned to India on 19th August, 2013, to attend a marriage in the applicant's family which was on 27th January, 2014. Thereafter an incident took place on 28th February, 2014, after which the applicant lodged an NC as against the complainant. The complainant thereafter left, the applicant's house on 28th February, 2014. A notice was sent by the complainant on 7th April, 2014 and a private complaint was lodged in the Court of the learned Magistrate on 17th September, 2014. On 6th October, 2014, the learned Magistrate passed an order under Section 156(3) of Code of Criminal Procedure, pursuant to which the aforesaid CR was registered.

4. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the present case. He submitted that soon after the complainant's marriage with the applicant's son, both had left for the US on 3rd November, 2012. He submitted that the allegations of Section 312 and 313 of the Indian Penal Code, as alleged are of January – February, 2013, when the complainant was in the US. He submitted that infact, the applicant was required to lodge an NC, with the Wagle Police Station, alleging offences punishable under Sections 323 and 504 of the Indian Penal Code as against the complainant. He further submitted that *inter alia* all allegations are as against the husband of the complainant i.e. applicant's son. According to him, all the jewellery of the complainant which were lying with the applicant have been seized under a panchanama dated 10th October, 2015. He submitted that considering the aforesaid facts, the applicant be granted pre-arrest bail.

5. Learned APP opposed the present application. He submitted that the allegations against the applicant are serious in nature.

6. Learned Counsel for the Intervener submitted that although the abortion took place in the US, it was the applicant who supplied the medicines for abortion from India. He submitted that it was only after the anticipatory bail application of the applicant was rejected, that a part of the complainant's jewellery was handed over by the applicant to the police. According to him, the applicant had before the Sessions Judge stated that there was no jewellery with her and had thereafter handed over part of the complainant's jewellery to the police and as such the applicant had committed perjury.

7. Perused the papers. The applicant is the mother-in-law of the complainant. Prima-facie, it appears that the allegations are as against the husband of the complainant. The alleged abortion has taken place in the US, some time in January – February, 2013 and admittedly the applicant was in India at the relevant time. The applicant has also lodged an NC as against the complainant on 28th February, 2014 alleging offences under Sections 323, 504 of the Indian Penal Code. As far as the jewellery i.e. stridhan is concerned, it appears that the same has been handed over by the applicant to the police on 10th October, 2015.

8. Considering the aforesaid facts, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police Station as and when called for;

(iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

(iv) The applicant to cooperate in the conduct of the trial.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that, the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

11. In view of the order passed in Criminal Anticipatory Bail Application No.1520 of 2015, nothing survives for consideration in Criminal Application No.228 of 2016. The same is also disposed of.

12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.