

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 80 OF 2017

Pradeep Kantilal Shrishrimal

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr.Kiran Jail i/b. Kiran Jain and Company for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

Mrs. R.G.Pawara, WPSI, Market Yard Police Station, Pune (present)

.....

CORAM: MRS.MRIDULA BHATKAR,J.

DATE : 7<sup>th</sup> March 2017

**P.C.:**

1. This application is moved by the applicant-accused for pre-arrest bail in C.R. No. 147 of 2016 registered with Market Yard Police Station, Pune as the applicant-accused apprehend allegations of cruelty, criminal breach of trust and assault punishable under sections 498 (A), 406, 313, 323, 504, 506 read with 34 of the Indian Penal Code and also causing miscarriage without consent of the complainant-wife.

2. The complainant-wife got married with the applicant-accused on 2<sup>nd</sup> February 2006. Thereafter, she started residing with her husband. In the wedding, her father gave 71 tolas gold and 7 kg silver and spend Rs. 30 lakhs in the wedding. The complainant's husband, mother-in-law and sister-in-laws used to abuse her. They demanded

money from her parents. In the year 2006, she was pregnant. However, the husband assaulted her. In November 2006, she delivered a baby girl. Thereafter, again in March 2009 she remained pregnant. At that time her sister-in-law, who is a Doctor, in her hospital the complainant conducted sonography and thereafter her sister-in-law gave her medicine. In April 2009, she found that her foetus was dead and she suspected that it is happened only due to the medicine, which was given by her sister-in-law. In December 2010, she remained pregnant and again she went alongwith her sister-in-law Sangita in one Mamta Maternity, Borivali. At that time, the Doctor told her to go for abortion as heartbeats were not heard and therefore she was operated and her foetus was removed. It is the case of the complainant that her sister-in-law is responsible for her two abortions. On 17<sup>th</sup> October 2013, she delivered a baby boy, at that time her father gave 15 tolas gold to her husband and also gave Rs. 25 lakhs for purchasing a flat at Borivali. Her sister-in-law Nancy, who is a Doctor also staying in the house alongwith family. Her husband is not looking after her and children. In April 2015, the complainant's husband and all family members were suspected about her character. She was assaulted with cricket bat and thereafter she was driven out of the house. Since, she alongwith her children are staying with her parents house and hence she lodged a complaint.

3. The learned counsel for the applicant-accused has submitted that he does not have any gold and silver ornaments as alleged by the complainant-wife. The applicant-accused attended the police station as directed by this Court as per earlier interim order dated 19<sup>th</sup> January 2017. He has further submitted that the applicant-accused is ready to co-operate with the police and interim bail be confirmed.

4. The learned prosecutor while opposing this application has submitted that the complainant has given a list of the gold and silver ornaments. All these gold ornaments of 2 kg. So also, the silver which was given by her father is still with the husband. She has given a list of all articles, gold and silver and she claims all these articles which are in the house of the husband.

5. After considering these submissions of the parties and after going through the complaint and other documents, it appears that the allegations made by the parties against each other. At this stage, it is a word against word. No injury certificates are produced of any assault. Similarly, there is nothing to show on record that prima-facie the complainant had to under go an abortions without her consent or she has ever made any complaint or made any grievance in respect of her two abortions which took place in the year 2009-2010.

6. Perused the statements of one Dhawal and the father of the complainant. It appears that the husband was unnecessarily suspicious against the complainant-wife. Therefore, it appears that he has harassed and treated her in very cruel manner. However, I do not find any ground to justify the custody of the applicant-accused. I confirm the order of interim bail, which was earlier granted by the order dated 19<sup>th</sup> January 2017 with the terms and conditions as mentioned below:

#### **ORDER**

- (i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing PR.Bond in a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two solvent sureties in the like amount.
- (ii) The applicant-accused shall report to the concerned police station on every Monday between 11.00 a.m. and 1.00 p.m. and cooperate with the Investigating Officer till 11<sup>th</sup> April 2017.
- (iii) The applicant-accused shall not tamper with the evidence or pressurize the complainant.
- (iv) The applicant-accused shall not indulge into any criminal activity.

- (v) The applicants –accused shall not abscond or leave India without prior permission of the Court and furnish their permanent addresses to the Investigating Officer alongwith documentary proof of their addresses.
- (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.
7. Anticipatory Bail Application is disposed of in the above terms.

**(MRIDULA BHATKAR, J.)**