

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 551 OF 2016**

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|----|------------------------------|----------------|
| 1. | Abhishek Ramakant Chaubey, | |
| 2. | Ramakant Rampher Chaubey, | |
| 3. | Manju Ramakant Chaubey, | |
| 4. | Parth Ramakant Chaubey, | |
| 5. | Amitkumar Pramodkumar Pandey | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra, | |
| 2. | Shakti Abhishek Chaubey | ...Respondents |

Mr. Abhijit N. Mantri for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent No.1-State

Mr. S. P. Gaud for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
MONDAY, 21st AUGUST, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 222 of 2015 registered with the Kandivali Police Station, Mumbai, for the alleged offences punishable under Sections 498(A), 406, 323, 504, 506, 34 of the Indian Penal Code.

3. Perused the papers. The applicant No.1 is the husband of the complainant; applicant No. 2 is the father-in-law; applicant No. 3 is the mother-in-law; applicant No.4 is the brother-in-law, aged 19 years and is a student and applicant No. 5 is the cousin brother-in-law.

4. It appears that the applicant No. 1 and the complainant got married on 24th May, 2013 at Uttar Pradesh, as per the Hindu Vedic rites and customs. It is alleged by the complainant that because of the harassment and ill-treatment meted out to her by the applicants, she left the matrimonial home on 12th October, 2013. It appears that on 27th February, 2015 i.e. almost after 2 years, the complainant filed a complaint under the Domestic Violence Act, in the Borivali Court, Mumbai, and on 25th June, 2015, the aforesaid FIR was lodged. It appears that some *streedhan* of the complainant was seized under the panchanama.

5. According to the learned Counsel for the applicant, the complainant had taken all her *streedhan* when she left her matrimonial home. The same is disputed by the learned Counsel for the complainant.

He submits that the *streedhan* and cash of Rs. 2 lakhs odd was not returned by the applicants.

6. Be that as it may, whether the *streedhan* was returned or not, is a matter, which will be decided by the trial Court. There is a delay of two months in lodging the FIR. In the peculiar facts of the case, custodial interrogation of the applicants is not warranted.

7. Accordingly, the application is allowed and the applicants are granted pre-arrest bail, on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet;

(iii) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Stations;

(iv) The applicants to cooperate with the conduct of the trial.

8. The application is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.