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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.575 OF 2017

Bhausahab Krishna Ghevade	...Applicant
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr.C.A.Malgaonkar i/b GMS Legal, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent Nos.1 and 2.

Ms.P.B.Walimbe, Appointed *Amicus* for Respondent No.3.

CORAM : REVATI MOHITE DERE, J.
DATE : 24th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 10 of 2017 registered with the Kamothe Police Station, for the alleged offences punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. Considering the nature of dispute and the nature of allegations,

the applicant, vide order dated 4th April, 2017, was directed to implead the complainant as party-respondent no.3. Notice was issued to the added respondent no.3. After respondent no.3 appeared, the parties agreed to go in for mediation and accordingly on 5th May, 2017, a Mediator was appointed.

4. Both learned counsel for the applicant and learned counsel for the respondent no.3 today inform, that mediation has failed. Report of the Mediator has also been placed on record, to that effect.

5. Learned Counsel for the applicant states that the applicant was married with respondent no.3 in May, 2015. He submitted that the allegations are false and that the respondent no.3 (complainant) had taken back her entire jewellery (stridhan). He submits that infact, the applicant without prejudice to his rights and contentions, has deposited a sum of Rs.2,52,000/-, i.e. value of the alleged Stridhan, in the Registry of this Court.

6. Perused the papers. It appears that respondent no.3 (complainant) and the applicant got married on 11th May, 2015 at Kolhapur and that the marriage was an arranged marriage. It is alleged by the respondent no.3 (complainant) that she was mentally harassed by the applicant and her mother-in-law and sister-in-law. It is further alleged, that the mother-in-law demanded dowry and abused the complainant on several occasions and tried to create misunderstandings between her and the applicant. According to the complainant, the applicant would come home drunk and would abuse her. It is also alleged that a demand of Rs.1 lakh was made from the respondent no.3's father, as dowry. According to respondent no.3 (complainant), her mother had given 90 gms gold jewellery worth Rs.2,52,000/-, however, the said jewellery (stridhan) was not returned by the applicant. According to the learned counsel for the applicant, respondent no.3 (complainant) had taken back her entire jewellery (stridhan), when she left home. The Applicant, without prejudice to his rights and contentions, has deposited a sum of Rs.2,52,000/-, in the Registry of this Court.

7. In the facts of this case, there are allegations and counter

allegations, with respect to the harassment allegedly meted out to the complainant, as well as the stridhan. Be that as it may, in the peculiar facts of this case, custodial interrogation of the applicant is not necessary. Accordingly the application is allowed and 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 executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

8. Registry to invest the aforesaid amount of Rs.2,52,000/- deposited by the applicant in a Fixed Deposit of any nationalized Bank, initially for a period of one year, and which may be renewed from time to time.

9. If the parties resolve their dispute amicably, they are at liberty to file an appropriate application for withdrawal of the amount, so deposited. If the dispute is not resolved, the trial Court shall pass appropriate orders on the said amount at the conclusion of the trial.

10. The Application is allowed in the aforesaid terms and is accordingly disposed of.
11. It is made clear that the observations made herein are *prima facie* and are confined to this application.
12. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)