

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 204 OF 2017

Mrs.Radhika Ashish Chaudhari

..... Applicant

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr. Dilip Bodake for the Applicant.

Mr.A.P.Palkar, A.P.P. for the State.

CORAM : T.V.NALAWADE, J.

DATE : 7th AUGUST, 2017

P.C.

The application is filed for cancellation of anticipatory bail granted in favour of the respondent accused by Sessions Court, Pune in Application No.1403 of 2016 and 1445 of 2016. Heard learned counsel for the applicant.

2. With the application, some record which includes copy of FIR given by Ms.Radhika is produced. She was given in marriage to the respondent no.3 Mr.Ashish on 30th May,2015. In the FIR dated 19th April,2016, the allegations are made that few days prior to the marriage, the husband had disclosed to her that he had relation with other girl and she needs to pardon him for that. According to her, the relatives have come together to discuss the situation but then the matter was settled. She has made complaint that after the marriage, the husband and her mother-in-law had asked her to bring Rs.60,000/- for honeymoon. It is her case that the arrangement was made by her relatives from parents side for honeymoon and the amount was spent by them. The allegations are made that after the

marriage, after 20-25 days of the marriage, the husband and his mother started harassing her by saying that her father had not given gift of four wheeler, laptop and similar articles. She has made allegation that the husband had then started asking her to see that the flat which was in the name of her father in Pune is transferred in her name. She has contended that the husband was sick and he was already under medication for different kinds of sickness but that was concealed from her.

3. In the FIR, she has made allegation that the husband had compelled her to commit unnatural act under threat. She was required to act as per the desire of the husband. She has complained that the uncle of her husband had also misbehaved with her amounting to offence under section 354 of the Indian Penal Code. She has made allegation against almost all the relatives of the husband of the aforesaid nature. The contentions show that from the month of February 2016 she started living separate and she approached police on 19th April, 2016.

4. The trial court has considered the aforesaid circumstances and also the circumstance like non-co operation of the first informant during the course of the investigation. It can be said that no material could have been collected after medical examination of the first informant as the report itself was given after four months of so called unnatural act of the husband. In any case, crime is registered for offences punishable under sections 498-A, 377, 334, 323 read with section 34 of the Indian Penal Code (C.R.No. 191 of 2016 in Warje Malwadi Police Station). In view of the nature of the allegations, it can be said that the police should not need the custody of the accused for the purpose of investigation. Considering all these circumstances, the trial court granted relief of anticipatory bail. An attempt was made to get cancelled the anticipatory bail by filing an application in Sessions

Court but Sessions Court has again observed that the discretion was properly used. This court sees no reason to interfere in order made by the Sessions Court. Cancellation of such relief is possible only in exceptional circumstances.

5. In view of the aforesaid circumstances, this court holds that even notice of present proceeding need not be issued to the applicant. In the result, the application is rejected.

(T.V.NALAWADE, J.)