

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

ANTICIPATORY BAIL APPLICATION NO.715 OF 2017

Vivek Sharma	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

**ALONG WITH
CRIMINAL APPLICATION NO.535 OF 2017**

Garima Vivek Sharma	..	Intervenor
Vs.		
State of Maharashtra	..	Respondent

Mr.A.P. Mundargi, Senior Counsel i/by Mr.Amol J. Phoujdar for the applicant.

Mr.S.S.Hulke, Additional Public Prosecutor for the respondent.

Ms.Sneha G. Sanap for Intervenor.

CORAM : T.V. NALAWADE, J.

DATE : 9th August 2017

P.C. :

. The application is filed for the relief of anticipatory bail. Both the sides are heard. Other application for permission to assist the learned APP on behalf of the complainant is allowed. Learned counsel is allowed only to assist the learned APP. Papers of investigation were made available for perusal of this Court.

2. Papers of investigation which include First Information Report show that the first informant is the wife of the Vivek Sharma and their marriage took place in January 2013. Prior to that, they had met and had got acquainted with each other on Shaadi.com website. Allegations are made that in the marriage, as Shridhan, the father of the

first informant had given gold ornaments worth Rs.34,43,900/-, gold coins worth Rs.25,00,000/- and clothes to the first informant. The first informant has produced a list of particulars of Shridhan given to her. She has made an allegation that her husband was asking her to bring a fold car from her parents and on that count, he and his mother were given ill treatment to her. It is contended that many times, the Mediator had attempted to settle the dispute but the husband was not convinced and he behaved in a strange manner. She had come in contact with her husband on 7th July 2013. First Information Report came to be filed on 6th November 2016.

3. The record like some messages sent by the couple to each other is produced. This correspondence was of between the husband and the wife.

4. It appears that the wife has filed maintenance proceedings in Family Court, Bandra against the husband. In that proceedings, she has contended that the value of Shridhan is amount of Rs.10 lakh. On the other hand, the husband has produced some records to show that some household articles and ornaments were returned to the wife through her counsel on 9th January 2017 and thus the attempts were made to settle the dispute but the wife had approached to the police and the crime came to be registered.

5. In view of the nature of the allegations and as the main allegation of misappropriation of the Shridhan, this Court made an enquiry and asked the counsel for the husband to make submissions.

6. Learned counsel submitted that though there is the receipt signed by the wife that the aforesaid articles were received by the husband, the husband is ready to make payment of Shridhan.

7. In view of the nature of the dispute and the aforesaid circumstances, this Court formed an opinion that there is no need of custodial interrogation. The husband can be directed deposit of Rs.10 lakh as price of Shridhan which the wife is claiming and subject to that condition, relief can be granted to him.

8. In the result, the application is allowed subject to the condition of depositing of Rs.10 lakh in this Court as the price of Shridhan of the first informant. Amount to be deposited within fifteen days from today. If this amount is deposited, there will be a relief of anticipatory bail in favour of the applicant and in case of arrest in C.R. No.350 of 2016 registered with Kharghar Police Station for the offence punishable under Sections 406, 498 read with 34 of Indian Penal Code, the applicant is to be released on bail on his furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one or more solvent surety of the like amount. The applicant is not tamper with the prosecution witnesses. He is not to commit similar offences. The applicant is to attend the concerned police station on coming four consecutive Saturdays between 9.00 a.m. to 12.00 noon starting from this month for the purpose of further investigation and he is to cooperate with police during investigation. If the aforesaid amount is deposited, that is to be handed over to the first informant. Till then, interim relief to continue.

T.V. NALWADE, J.