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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.930 OF 2017

Kishor Khanderao Jadhav & Ors.

..Applicants.

V/s.

The State of Maharashtra

..Respondent.

Mr.Aniket U. Nikam for the Applicants.

Ms.A.A. Takalkar, APP for the Respondent-State.

Ms.Neena Shah for Respondent No.2.

CORAM : T.V.NALAWADE, J.

DATED : 9 AUGUST 2017

P.C.:-

This application is filed for anticipatory bail in Crime No.92/2017 registered with Indira Nagar police station, Nashik for the offences punishable under section 498A, 406, 323, 504, 506 read with 34 of the IPC. Both the sides are heard.

2. Crime was registered on the basis of a report given by

one Pratibha Kishor Jadhav, who is the wife of Applicant No.1 Kishor. She was married to Kishor on 8 February, 2014. It is alleged that in the marriage gold ornaments were given to her as Stridhan by her father and some household articles like utensils, etc. were also given to her by her father. She has made allegations that the ill-treatment was started after three to four months of her marriage and her husband started saying that nothing was given in the marriage and that the marriage ceremony was not performed properly. The allegation is made that illegal demands were also made from her. She has described a specific incident that on 9 October, 2014 quarrel took place. She was pregnant and ultimately, she was taken to her parents house. It is alleged that she delivered a female child on 8 April, 2015 but the husband and his relatives did not turn up even to see the baby. The husband then filed proceedings for divorce. After that the report came to be made.

3. A copy of the proceedings is produced on record. It is not necessary to consider the issues raised by the husband in the Hindu Marriage Petition. It can be said that both the sides are

making allegations against each other.

4. In view of the nature of the dispute, the Applicant can be given the relief subject to some conditions. It is not likely or probable that the gold ornaments as described can be recovered. In place of it, some value can be directed to be deposited. So far as the other articles given, there is serious dispute about the same. In the result, the following order is passed :-

- (i) The interim bail granted earlier is confirmed subject to the deposit of an amount of Rs.4,00,000/- by the present Applicants in the Court of the J.M.F.C. Nashik, to which the concerned police station is attached within fifteen days from today;
- (ii) If the amount is not deposited, it should be presumed that the application is dismissed. Till then, it should be presumed that this is interim relief in favour of the Applicants.

5. The learned counsel for the Applicant submits that today

the Applicant has brought a demand draft of Rs.34,000/- in the name of the wife and he is handing over the same to the wife in presence of her counsel. Separate receipt is to be passed. This amount is towards the maintenance in Malegaon proceedings.

(T.V.NALAWADE, J.)