

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1579 OF 2017

Deepak Ram Bilas Tiwari

Applicant

versus

The State of Maharashtra

Respondent

Mr.Amarendra Mishra for Applicant.

Mr.V.V.Gangurde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st July 2017

PC :

1. This is an application for bail in connection with CR No.620 of 2016 registered with D.N.Nagar Police Station, Mumbai. The offences were registered under Sections 498A, 406, 504, 506 read with Section 34 of Indian Penal Code.

2. It is the prosecution case that the applicant is the husband of the complainant. The other members of the family of applicant were also impleaded as accused. They have been ordered to be released on anticipatory bail by this Court. It is alleged that there were matrimonial differences between the applicant and the complainant. At the time of marriage, certain amounts were handed over to the applicant. It is also alleged that ornaments belonging to the complainant are also in the custody of the applicant.

3. The applicant was arrested on 8th June 2017. It is submitted that the dispute relates to the differences between the applicant and complainant. The allegations mentioned in the FIR are concocted

and the same are being made in order to implicate the applicant. Other accused are released on anticipatory bail. It is submitted that the complainant has also calculated the value of articles which were purportedly given at the time of marriage as the property involved in this offence. It is submitted that no purpose would be served by confining the applicant in custody.

4. Learned APP submitted that the property could not be recovered. It is submitted that the applicant was causing harassment to the wife which has resulted in mental cruelty to her. It is submitted that only Rs.1.29 lakh has been recovered from the residence of the applicant. It is, therefore, submitted that bail may be refused.

5. The complainant is present in Court and through her father written statements are tendered opposing the bail. It is contended that ornaments were entrusted to the accused and the same were retained by them. Even cash amount was also entrusted to him which was not returned by the applicant and other accused. The complainant has also grievance against the conduct of applicant. The written submissions are taken on record. It is submitted that bail may not be granted to the applicant.

6. I have perused the documents on record. The applicant has been in custody from the date of arrest. The investigation is almost complete although charge sheet has not been filed. It is true that it is the case of prosecution that entire property has not been recovered, however, the applicant has remained in custody from 8th June 2016 and there is no further progress about recovery of any property. The

other accused are already released on anticipatory bail. The dispute is on account of matrimonial discord between the complainant and applicant who is husband. In the circumstances, a case for grant of bail is made out.

7. Hence, I pass following order :

ORDER

- (i) Bail Application No.1579 of 2017 is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No. 620 of 2016 registered with D.N.Nagar Police Station, Mumbai, on furnishing PR bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iii) The applicant is directed to report the investigating officer of D.N.Nagar Police Station, Mumbai once in a week on every Saturday between 11.00 a.m. and 1.00 p.m., till filing of charge sheet, and thereafter as and when called for by investigating officer;
- (iv) The applicant is permitted to furnish cash security in the sum of Rs.30,000/- for a period of four weeks in lieu of surety;
- (v) The applicant is directed to furnish details of his residential addresses to the investigating officer of D.N.Nagar Police Station, Mumbai;
- (vi) The applicant shall not leave India without permission of the Court;
- (vii) The application is disposed of.

(PRAKASH D. NAIK, J.)