

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

ANTICIPATORY BAIL APPLICATION NO.1255 OF 2017

Mrs.Deepika Dattatray Gavali & Ors. .. Applicants
Vs.
State of Maharashtra .. Respondent

***ALONG WITH
CRIMINAL APPLICATION NO.745 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.1255 OF 2017***

Mrs.Bharti Nikhil Gavali .. Intervenor
Vs.
State of Maharashtra .. Respondent

Mr.Kuldeep S. Patil for the applicant.
Ms.S.S.Kaushik, Additional Public Prosecutor for the respondent.
Ms.Swapna Kode for the Intervenor.
Mr.Suresh Parte, ASI, Neral Police Station, Raigad.

***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. Papers of investigation were made available for perusal of this Court.

2. Submissions made and papers of investigation show that the crime in C.R.No. I-120 of 2016 was registered with Neral Police Station, Raigad for the offences punishable under Sections 498A, 315, 316 read with 34 of the Indian Penal Code on the basis of the report given by Bharti Nikhil Gavli.

3. She is claiming to be wife of the applicant no.4 Nikhil Gavli. Applicant no.1 is the mother-in-law of the complainant. Applicant no.2 is the aunt of the complainant and applicant no.3 is sister-in-law of the complainant.

4. It is the case of the first informant that in one marriage function which took place in February 2015 at Neral, she became acquainted with the applicant no.4 Nikhil. It is the case of the complainant that Nikhil had shown interest in her and had expressed that he liked her. It is her case that her marriage was already settled and she had told the Nikhil accordingly. It is her case that Nikhil somehow collected the particulars of about bridegroom and then bridegroom said that he did not want to marry with her. She has contended that due to some steps taken by Nikhil, bridegroom refused to marry with her. It is contention that due to aforesaid incident, both of them met each other regularly. It appears in the aforesaid contention that Nikhil had established the relationship with her. It is contended by the first informant that there was physical relations between them and then on 3rd July 2016, their marriage was performed in one temple in the presence of the mother of the first informant and her elder sister. It is contended that Nikhil had informed that his close relative had died and so it was not possible for his relatives to attend the marriage. It is contended that even after the marriage, she started staying with her mother. It is contended that in respect of this marriage, a joint declaration was made by Nikhil through advocate on 11th July 2016.

6. It is the case of the first informant that she started insisting Nikhil to take her to matrimonial house but on one or other

pretext, Nikhil avoided to do so. It is her case that she has directly contacted the relatives of Nikhil including the applicants and she went to his house. She has contended that the relatives of Nikhil were not ready to accept this marriage and started saying that she had deceived him for grabbing his property. It is the case of the first informant that on 15th April 2017, the present applicant nos.1 to 3 assaulted her when she said that she was coming for cohabiting with Nikhil and she was two months' pregnant. It is her case that due to assault made by aforesaid ladies, she suffered miscarriage. It is her case that she went to Nikhil and informed about the incident but on that occasion also, she was assaulted. In view of the nature of allegations, the crime came to be registered for the aforesaid offences on the basis of the report given by her on 26th June 2017.

7. Some record was shown to this Court to show that she had approached the hospital but that was done when abortion had taken place. Record of the joint declaration shows that they performed marriage. Though there is some record of marriage, the case of assault made by the applicant nos.1 to 3 is vague in nature and medical record shows that she had approached the hospital subsequent to the abortion and thus the allegations with regard to abortion due to assault are vague. It is her case that the applicant nos.1 to 3 are not ready to accept her as the wife of Nikhil. In view of these circumstances, this Court holds that protection needs to be given to the applicant nos.1 to 3. However there is sufficient record to show that Nikhil had established relationship with the complainant and she was pregnant and she suffered abortion. The applicant no.4 tried to deny the relationship with her at this stage. In

view of this circumstance, this Court holds that protection cannot be granted to Nikhil.

8. In the result, the application filed by the applicant nos.1 to 3 is allowed. The application filed by the applicant no.4, husband is rejected. Interim relief already granted by this Court in favour of the husband is vacated. Interim relief granted by this Court in favour of the applicant nos.1 to 3 is confirmed. Intervention application is allowed and disposed of.

T.V. NALAWADE, J.