

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1262 OF 2017**

1. Mihir Rajnikant Gunderia,	
2. Rajnikant Ramanlal Gunderia,	
3. Rajini Ranjikant Gunderia	...Applicants
Versus	
The State of Maharashtra	...Respondent

Ms. Manjula Rao for the Applicants

Ms. Anamika Malhotra, A.P.P for the Respondent-State

API Mr. Bipin Balkrishna Chavan from Kandivli Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 24th AUGUST, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 242 of 2016 registered with the Kandivli Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 323, 504, 506, 406, 34 of the Indian Penal Code, and under Section 4 of the Dowry Prohibition Act.

3. Learned Counsel for the applicants submits that the allegations as against the applicants are false and baseless. She submits that as a counterblast to the petition filed by the applicant No.1 seeking divorce, the present complaint/FIR has been lodged by the complainant. She submits that the entire streedhan/articles of the complainant have been returned to the complainant. She relies on page 31 of the application in support of her submission.

4. Perused the papers. The applicant No. 1 is the husband of the complainant and applicant Nos. 2 and 3 are the in-laws. The applicant No. 1 got married to the complainant-Vinisha on 11th August, 2016. It appears that the applicant No. 1 was residing with Vinisha and his younger brother from 5th February, 2016 upto 10th May, 2016; that the complainant left her matrimonial home on 10th May, 2016; and that thereafter, on 13th May, 2016, the complainant lodged a complaint/FIR as against the applicant No.1's younger brother, alleging offence punishable under Sections 354, 323 of the Indian Penal Code, pursuant to which, applicant No. 1's younger brother was arrested on 13th June, 2016 and was thereafter enlarged on bail

on 16th June, 2016. It appears that on 20th May, 2016, the applicants returned the streedhan/articles of the complainant to her. On 1st June, 2016, the applicant Nos. 2 and 3 wrote to the concerned Police Station, that the complainant had left the matrimonial home and was residing elsewhere. In June, 2016, the applicant No. 1 filed a petition in the Family Court, seeking divorce from the complainant, and a copy of the said petition was served on the complainant sometime in the third week of June, 2016. On 3rd July, 2016, the aforesaid complaint was lodged. According to the complainant, she was constrained to take a personal loan of Rs. 15 lakhs in November, 2012, which amount was allegedly withdrawn from the ATM and handed over to the applicant No. 1. The complainant has further alleged that applicant No. 1 was asking her to bring a sum of Rs. 3 lakhs from her father and was harassing her on account of the same. She has further alleged that in March, 2013, she left her job, where she was working as an HR Manager and was getting a package of Rs. 14 lakhs and started working in the restaurant started by the applicant No. 1. She has stated that she was treated like a waiter in the said restaurant by the applicant No. 1. The said allegations are during the period 2013. The complainant has further alleged, that all the applicants were abusing and assaulting her and

were demanding that she bring an amount of Rs. 7 lakhs from her parents. It appears that the applicant Nos. 2 and 3 had infact, sent a complaint letter to the Senior Inspector of Police dated 1st June, 2016 alleging harassment to them due to the quarrels between the applicant No. 1 and the complainant.

5. Be that as it may, in the peculiar facts of this case, custodial interrogation of the applicants is not warranted. Hence, the application is allowed and the applicants are granted pre-arrest on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iii) The applicants to cooperate with the conduct of the trial.

6. The application is accordingly disposed of.
7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.