

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1532 OF 2017**

Akalpati Dhruvkumar Tiwari

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ganesh Ramayya for the Applicant

Mr. Sooraj S. Hulke, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 31st AUGUST, 2017

P.C.

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 120 of 2017 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 354, 328, 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant is the mother-in-law of the complainant. He submits that there are no

allegations of 354 as well as 328 *qua* the applicant. He submits that the applicant is sought to be falsely implicated in the said case.

4. Learned A.P.P opposed the application. He, however, does not dispute the fact that there are no allegations of 354 and 328 *qua* the applicant.

5. Perused the papers. According to the complainant-Vijaylaxmi Tiwari, she got married to the applicant's son-Anil Tiwari on 28th April, 2016. She has stated that initially for the first few months, she was treated well, however, thereafter, her husband would quarrel with her and assault her. She has alleged that she was not allowed to talk to her family members and that the present applicant i.e. mother-in-law, husband and father-in-law as well as sister-in-law and brother-in-law would abuse her and would take her phone away from her. She has stated that the applicant along with others had also demanded dowry from her. A perusal of the FIR shows that the allegations essentially are as against husband, father-in-law and sister-in-law. As far as present applicant is concerned, there are no allegations of 328.

6. Considering the aforesaid, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail, on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 11th and 12th September, 2017 from 11:00 a.m. to 12:00 noon, and thereafter, as and when called, till the filing of the charge-sheet;
- (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform her latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial.

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

REVATI MOHITE DERE, J.