

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1712 OF 2016

Swaranjit Singh Chandhok and others

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Subhash Jha a/w Ms. Sanjana Pardeshi i/b Law Global Advocates
Advocate for the Applicant.

Mr. Aditya Nayyar Advocate for the complainant.

Mr. R. M. Pethe APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 11th JANUARY, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 352 of 2016 registered at Dahisar police station for offence punishable under sections 307, 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

2) Applicant no. 1 happens to be father-in-law of the complainant. Applicant no. 2 is mother-in-law of the complainant. Applicant no. 3 is sister-in-law of the complainant and applicant no. 4 is brother-in-law of the complainant. On 09/09/2016, Manpreet Kaur Chandhok who happens to be

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daughter-in-law of applicant no. 1 & 2 lodged a report at the police station that she got married to Bikramjit Singh Chandhok on 12/10/2009. Her parents had given her valuables worth Rs. 8,70,000/- at the time and during subsistence of the marriage. It is alleged that she was being harassed and ill-treated by all the applicants as they were insisting upon her to carry out domestic chores at home. It is alleged that being fed up of the harassment and ill-treatment meted out to her at the hands of her husband in particular and present applicants she had consumed phenyl on 08/08/2016. She was admitted in the hospital.

3) Perused the statement of Dr. Parekh. He has specifically stated that upon inquiry, patient had disclosed that she had accidentally consumed phenyl. It was registered as medico legal case. She had specifically stated that she had no grievance against anybody.

4) It primarily appears that her husband was having illicit relations with another woman about which she had complained to her parents and that could have been the reason for the matrimonial discord between the couple.

5) The learned APP is at pains to submit that the husband has been enlarged on bail. In view of the guidelines issued by the Hon'ble Apex Court

in the case of **Arnesh Kumar v/s. State of Bihar (2014) 8 SCC 273**, applicants herein deserve pre-arrest bail. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

6) The learned counsel for the applicant fairly submits that as on today in an application under section 438 of the Code of Criminal Procedure, 1973, he would not press prayer clause (b) & (c) which are dismissed as withdrawn.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) Applicants shall report to the concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)