

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

CRIMINAL APPLICATION NO. 264 OF 2016

Mrs. Chinkita Harsh BajajApplicant
V/s.
The State of Maharashtra & Anr.Respondents

**WITH
CRIMINAL APPLICATION NO. 265 OF 2016**

Mrs. Chinkita Harsh BajajApplicant
V/s.
The State of Maharashtra & Ors.Respondents

Mr. Anukul B. Seth I/b. Mr. M.V. Thorat for the applicant.
Mr. S.H. Yadav, APP for the State.
Mr. S.S. Waghmare, PSI, Yerwada Police Station, Pune, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 05th OCTOBER, 2018.**

P.C.:

. Heard Mr. Anukul Seth, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. By these applications, under section 439(2) of Criminal Procedure Code, the applicant seeks cancellation of bail granted to the respondent no.2 by Additional Sessions Judge, Pune by order dated 08/02/2016 in Criminal Bail Application No.4075 of 2015.

3. The applicant herein is the first informant in C.R.No.152/2015 registered with Yerwada Police Station, Pune for offences punishable under sections 498-A, 406, 420, 354, 377, 323, 504, 506 r/w. 34 of the Indian Penal Code.

4. The applicant was married to the respondent no.2-Harsh Bajaj. The records reveal that on 27/01/2015, the respondent no.2, husband had filed a suit for divorce before the Civil Court at Ahmadabad, Gujarat. The applicant thereafter i.e. on 06/04/2015 lodged the first information report alleging that the respondent no.2, his parents and other family members had demanded dowry. She had also alleged that they have subjected her to cruelty. Based on the said FIR, C.R.No.152/2015 came to be registered against the respondent no.2 and his family members. Apprehending their arrest, the respondent no.2 and his family members filed an application i.e. Criminal Bail Application No.4075 of 2015. The learned Additional Sessions Judge, Pune by order dated 08/02/2016 granted anticipatory bail to the respondent no.2. The learned Additional Sessions Judge, Pune has observed that the allegations against the respondent no.2 and other family members are of general nature and are the consequence of matrimonial dispute between the applicant and the respondent no.2.

The learned Judge has also observed that the presence of the respondent no.2 and his family members is not required for the purpose of custodial interrogation and thus granted the application under section 438 of the Criminal Procedure Code.

5. Having gone through the order passed by the learned Sessions Judge and particularly considering the fact that the first information report was filed after filing of the divorce proceedings, in my considered view, the observations that the FIR is an off shoot of divorce proceedings, cannot be said to be perverse or ex-facie illegal. The respondent nos.2 to 7 are on bail since 2016. The investigation is concluded and charge sheet has already been filed. There are no allegations that these respondents have misused the liberty. There are no supervening circumstances which justify cancellation of bail.

6. Considering the above facts and circumstances, in my considered view, the applicant has failed to make out a case for cancellation of bail. Hence, the Applications are dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)