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

ANTICIPATORY BAIL APPLICATION NO. 794 OF 2017

Sandeep Khemraj Todi

..Applicant

Vs

The State of Maharashtra & Anr

..Respondents

Mr. R.J. Baddam a/w Sejal Shah Si/b SR Lex for applicant.

Ms. J.S. Lohokare, APP for State.

Mr. Niranjana Mundargi for Respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 26th June 2018.

P.C.:

1] By an Order dated 3rd May 2017 , the applicant was granted interim relief.

2] Heard learned Counsel for the applicant, the learned Counsel for the respondent No.2 and the learned APP. Perused the record of investigation.

3] The respondent No.2 is the wife of the applicant. The present crime is registered on 15.1.2017. It is the prosecution case that, the marriage of the respondent No.2 with the applicant was solemnized on 20.1.2010 at Kolkatta. That after the marriage, the respondent No.2

started residing at her matrimonial house at Mumbai. That the applicant and his parents used to pass sarcastic comments against the respondent No.2. That the applicant and his parents used to harass respondent No.2 by saying that her parents did not give them sufficient dowry in her marriage. It is stated that the applicant thereafter left to America for job. That on demand from applicant, various expensive gift articles were given by the respondent No.2 to him. The first informant narrated various instances of harassment at the behest of the applicant. It is further stated that, in the month of October 2016 the applicant by retaining the entire stridhan and other articles, drove the informant from her matrimonial house along with children. A list of Stridhan is mentioned in the first information report. In the premise the first information report is lodged.

4] The learned Counsel for the applicant submitted that, in the month of October 2016 due to harassment at the instance of respondent No.2, the applicant left his parents and started residing separately. He submitted that the respondent No.2 had initially lodged a written complaint with the police and by his letter dated 14.1.2017 the applicant has explained all the things to the police in writing. He submitted that as a matter of fact the alleged locker with the HDFC Bank was being operated

by the respondent No.2 as it was standing in the joint name of applicant and the respondent No.2. That keys of the said locker are with the respondent No.2 and the said Bank namely HDFC Bank by its letter dated 18.1.2017 has informed to the applicant that the said locker stands in joint name of applicant and respondent No.2. He submitted that, the alleged stridhan and articles mentioned in the first information report are in fact in the possession of the respondent No.2. He therefore prayed that the applicant may be protected by pre-arrest bail.

5] The record indicates that the police have completed part of investigation and have submitted chargesheet as against the other two co-accused namely father and mother of the applicant. A perusal of the chargesheet would indicate that the police could not seize articles mentioned in the first information report. As per investigation carried out till date, it prima facie indicates that the said articles are in the possession of the applicant. Though the applicant claims that the said articles have been taken away by the respondent No.2 by opening locker of the HDFC Bank, it appears it would be his probable defence and as noted earlier the record indicates that the said articles are still in possession of the applicant and recovery of the same is yet to be effected by the police.

6] After taking into consideration aforesaid facts, material available on record, serious nature of allegations and the gravity of offence, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)