

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 871 OF 2017**

Manish S/o. Manohar Chaturvedi

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Niranjana Mundargi for the Applicant.

Ms. Rutuja Ambekar APP, for the Respondent-State.

Mr. Yashpal Thakar with Neeta Parikh for the Intervenor.

CORAM : A. S. GADKARI, J.

DATE : 8th AUGUST, 2018.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No. 298 of 2016 dated 1st May, 2016 registered with D.N. Nagar Police Station, Mumbai under Sections 498-A, 406, 384, 506 (II) read with 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant, the learned counsel appearing for the Intervener and the learned APP. Perused the record of investigation.

3 The first information report is lodged by Smt. Shruti Chaturvedi, wife of the Applicant.

It is stated that, the marriage of the informant with the

Applicant was solemnized on 20th November, 2011 and at the time of marriage, the father of the informant gave substantial quantity of 'Stridhan', which includes ornaments, to the informant. That, since December 2011, the mother-in-law of the informant removed the servant from the house and the informant was forced to do all the household works. It is further stated that, the Applicant suffered huge losses in the share market when he was conducting the transactions of "front running" and therefore, the SEBI in July, 2015 imposed restrictions on the firm of the Applicant and directed him to pay an amount of rupees Thirteen Crores Fifty Lakhs. The Applicant, thereafter demanded a sum of rupees Ten crores from the father of the informant. As the father of the informant could not pay the said amount, the Applicant and his family members caused undue harassment and cruelty to the informant. The Applicant also raised doubts about the paternity of the daughter of the first informant. It is stated that, the Applicant thereafter drove away the informant from the matrimonial house. It is alleged that, the 'Stridhan' of the informant, which consist various ornaments amounting to Rs.2,57,00,000/- (Rupees Two Crores Fifty Seven Lakhs Only) have been retained by the Applicant. In the premise, the first information

report is lodged.

4 Mr. Mundargi, the learned counsel appearing for the Applicant submitted that, as a matter of fact, while leaving the matrimonial house, the informant has taken away all the ornaments mentioned in the first information report and she subsequently worn it in the marriage of her brother, which fact can be discerned from the photographs annexed to the present Application. He further submitted that, there are no ornaments in the custody of the Applicant and therefore, there is no question of recovery of the same from him by the Investigating Agency. He therefore submitted that, the custodial interrogation of the Applicant in the present crime is not necessary and the Applicant may be granted pre-arrest bail.

5 The record of investigation indicates that, on 10th July, 2016, the Applicant has returned four items of ornaments mentioned in the list of ornaments in the first information report at serial Nos. 18, 28, 29 and 37 to the informant. If the statement of the Applicant, made during the course of arguments that, the informant has taken away all the ornaments/entire '*Stridhan*' mentioned in the first information report at the time of leaving matrimonial house is to be accepted, then in that event, indubitably the Applicant would not have

had in his possession the said four articles of '*Stridhan*' and therefore, the statement of the Applicant, to that effect, creates doubt in the mind of this Court. The first information report is self eloquent and *prima facie*, it appears that the Applicant has committed offences as contemplated under Sectiond 498-A and 406 of the Indian Penal Code.

6 Prima facie, there is reason to believe that, the Applicant demanded a sum of rupees ten crores from the father of the informant, as it is evident from the record that the SEBI has imposed a penalty of rupees Thirteen Crores Fifty Lakhs on the Applicant for his act of '*front running*' in the share market.

7 The ornaments mentioned in the first information report are yet to be recovered by the police and the same is not possible without there being thorough interrogation of the Applicant.

8 In view of the above and after taking into consideration the serious allegations against the Applicant and the gravity of the offence, this Court is of the considered view that, the Applicant does not deserve to be protected by pre-arrest bail.

9 Application is accordingly rejected.

S S
Mashalkar

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(A.S. GADKARI, J.)