

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

ANTICIPATORY BAIL APPLICATION NO.1195 OF 2018

Kishor Nandlal Rijwani & Anr. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Satyavrat Joshi for the Applicants.
Mr. M.V. Thorat for Intervenor
Mr. S.R. Agarkar APP for the State.

Mr. S.T. Patil, PI, Chandan Nagar Police Station, Pune

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *19th June 2018*

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.114 of 2018, registered at Chandan Nagar Police Station, Pune for the offences punishable under Sections 377, 354(a), 406, 504, 509, 498(a) read with 34 of Indian Penal Code.

3 It is the case of the prosecution that on 10th April 2018 the complainant had lodged a report alleging therein that she had married to nephew of applicant no.1 on 19th April 2017. That she was harassed by all the members of the family and that they had taken her stridhan and had not returned her. As far as the present applicants are concerned, the allegations against them are that they had also harassed the complainant on account of demand of dowry and her stridhan property has not been returned to her.

4 Taking into consideration the role attributed to the applicants and the guidelines issued by the Hon'ble Apex Court in the case of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC, page 273, it can be said that the applicants have made out a case for grant of pre-arrest bail.

5 However, the observations are restricted to application under Section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR,

discharge application or at the time of trial. Hence, the following order is passed :

ORDER

- i) The application is allowed.
- ii) In the event of arrest the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.
- iii) The applicants shall report to the concerned police station as and when called by Police.

(*Smt. Sadhana S. Jadhav, J*)