

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1350 OF 2017

Rishi G. Modi and ors. vs. The State of Maharashtra & anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sunny Waskar for the Applicant.

Ms. A.A.Takalkar, APP for the State.

Mr.A.M.Sarogi with Anand Mishra for the Intervener.

CORAM : A.S.GADKARI, J.**DATE : 09th February, 2018**

P.C.

1. By an Order dated 31.7.2017 the applicants were granted interim relief.
2. Heard the learned counsel for the applicants, learned counsel for the intervener and the learned APP. Perused the record of investigation.
3. The first information report is lodged by respondent No.2 Sarika Modi. The applicant No.1 is the husband, applicant No.2 is the father-in-law, applicant No.3 is the brother in law and applicant no.4 is the sister in law i.e. wife of applicant No.3 of the first informant. It is stated that, the marriage between respondent No.2 and the applicant No.1 was solemnized on 28.5.2010 at Mumabi as per Hindu Vedic Rites and Customs. That, the first informant received sridhan in the said marriage mentioned in the first information report, approximately amounting to

Rs.22,12,200/-. It is stated that after some time of marriage, the applicant Nos. 1 and 2 started demanding money from the first informant for their business of Ajanta Dyeing & Processing House, Bhiwandi. It is stated that the applicant No.1 subsequently closed down his shop situated at Mira Road. It is categorically alleged in the first information report that the applicant Nos.1 and 2 used to demand Rs.10.00 lakhs from the first informant for their business and due to constant harassment at their hands the first informant took Rs.5.00 lakhs from time to time from her parents and brother and paid it to applicant Nos. 1 to 3. It is stated that the applicant No.1 and 3 also assaulted the first informant on various occasions. That, the applicant No.1 is addicted to vices and is not doing any work and when the first informant told him to do some work, the applicant No.1 assaulted her with an umbrella. It is further stated that on 10.7.2017, the applicant Nos. 1 to 3 after assaulting the informant drove her away from the matrimonial house. In the premise, the first information report is lodged.

4. The learned counsel appearing for the applicants submitted that the allegations made against the applicants are false and concocted allegations. It is submitted that, on the date of alleged incident as narrated by the first informant i.e. on 10.7.2016, she had immediately lodged a non cognizable offence No.1970/2016 with Malad Police Station wherein the aforestated facts are not mentioned and it is after the period

of about eight months with exaggerated facts the present crime is registered. It is submitted that the applicants had attended the Investigating Officer on several occasions and therefore, their custodial interrogation is not necessary. He therefore prayed that the applicants may be granted pre-arrest bail.

5. Perused the record of investigation .

As noted herein above, the first information report makes it abundantly clear that, the applicant Nos. 1 to 3 used to cause undue harassment and cruelty to the first informant by demanding a sum of Rs.10.00 lakhs for their business. Though the respondent No.2 from time to time has satisfied their demand of Rs.5.00 lakhs they continue to demand Rs.10.00 lakhs further. The record indicates that the applicant Nos. 1 and 2 have assaulted the first informant on certain occasions. That, on 10.7.2016 when he first informant was driven away from the matrimonial house it is the applicant No.1 who assaulted her with an umbrella.

6. As far as applicant No.4 is concerned, the record indicates that general allegations are levelled against her of harassment and assault. However, after perusing the record it appears that no specific overt act is attributed to her and the allegations made in the statements are general in nature. It is to be noted here that though the applicants attended the Investigating Officer on certain occasions, recovery of sridhan is yet to be

effected and as per the prosecution it is in the possession of applicant Nos. 1 to 3.

7. After taking into consideration the serious allegations against the applicants No. 1 to 3 and the gravity of the offence coupled with the fact of necessity of recovery of sridhan from the said applicants, this Court is of the view that the applicant Nos. 1 to 3 do not deserve to be protected by pre-arrest bail. However, for the reasons stated above, the applicant No.4 is protected by pre-arrest bail.

Hence, the following order.

- a) The application of applicant Nos. 1 to 3 is rejected.
- b) As far as applicant No.4 is concerned, the interim relief granted by Order dated 31.7.2017 is hereby confirmed however, the condition to attend the Investigating Officer of concerned police station is waived.
- c) Application is partly allowed in the aforesaid terms.

(A.S. GADKARI, J.)