

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION No. 1867 of 2018.

Pranav Eknath Thakur & Anr

..Applicants.

Vs

State of Maharashtra

..Respondent.

Ms Priyanka Thakur, Advocate for applicants.

Mr. S.S.Pednekar, APP for the State.

Ms. Nilam Suryakant Mane, PSI Panvel City P.S.present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 11TH SEPTEMBER, 2018

P.C:-

- 1) This is an application under Section 438 of Criminal Procedure Code, for pre-arrest bail filed by the aforesaid applicants, apprehending their arrest in CR No.379 of 2018 registered at Police Station, Panvel City, for offences punishable under section 498 (A), 323, 406, 504, 506 read with section 34 of the Indian Penal Code.
- 2) Heard Ms Priyanka Thakur, learned counsel for the applicants and Mr. S.S.Pednekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.
- 3) The first informant is the wife of applicant No.1 and the

daughter-in-law of applicant No.2. The first informant and applicant no.1 were married on 24th December, 2016 at Karanja, Uran. It appears that they cohabited with each other till 24th October, 2017. The first informant stated that the applicants demanded dowry and had driven her out of the house on 24th December, 2016 and told her to return only on getting dowry of Rs. 5 lakhs. The first informant tried to return to her matrimonial home. However, the applicants and other family members did not allow her to join the matrimonial home.

4) The applicants herein have placed on record a copy of NC complaint dated 30th January, 2018 stating that the first informant had come to the house along with her family members and that they had abused them. The applicants have also placed on record a copy of communication dated 14/2/2018 addressed to the D.C.P. Panvel, wherein the applicants had stated that the first informant had broke open the lock of the matrimonial home and that she had tried to commit suicide in the matrimonial house.

5) The learned counsel for the applicants submits that subsequently with the intervention of parties, an attempt was made for settlement and it was agreed that the first informant and applicant No.1 would reside separately. The applicants have placed on record a copy of Leave and Licence Agreement. A perusal of which shows that

the applicant No.1 had taken flat on Leave and Licence basis. It appears that the first informant had not joined the applicant No.1 and hence on 29th June, 2018 the applicant no.1 issued a notice for restitution of conjugal rights. The record further reveals that the applicants had thereafter filed a complaint before the Women Cell, C.B.D.,Belapur and again an attempt was made to bring about a settlement between the applicant No.1 and the first informant. The applicants have also placed on record a copy of the NC complaint dated 6/8/2018, wherein the applicant No.1 had alleged that the first informant was refusing to reside with him and that when he had gone to bring her, she had abused him and pushed him. The applicant No.2 had also made representation to the Deputy Police Commissioner on 9/8/2018 alleging that the first informant was threatening them that she would lodge a false complaint against the applicants under section 498-A of Indian Penal Code and under the provisions of Domestic Violence Act.

6) The aforesaid record prima facie indicate that there is matrimonial dispute between the first informant and applicant No.1. The record prima facie indicates that the matrimonial dispute has resulted in lodging of the first information report.

7) Considering the aforesaid background, so also considering

nature of allegations levelled by the applicants, in my considered view, this is not a fit case for custodial interrogation of the applicants. Further more, it is reported that during pendency of the application for anticipatory bail before the learned Additional Sessions Judge, the applicants were granted interim bail and that during this period they have already reported to the Investigating Officer and that they have cooperated with the investigation. Furthermore, the learned counsel for the applicant has also stated that the applicant shall report to the Investigating Officer if required for further interrogation or investigation. The applicants are permanent residents of the State and there are no chances of the applicants being absconding.

8) Hence, the application for anticipatory bail is allowed on the following terms and conditions :-

- (i) In the event of arrest of the applicants in C.R. No. 379 of 2018 registered at Panvel Town Police Station, Taluka Panvel, District Raigad, they be released on bail on their furnishing bail bonds of Rs. 25,000/- each with one or two sureties each in the like amount to the satisfaction of the Investigating Officer.
- (ii) The applicants shall report to the Investigating Officer as and when required and called by the Investigating Officer.
- (iii) The applicants shall furnish their permanent and

temporary addresses, if any, and their contact details to the Investigation Officer.

(iv) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(v) The applicants shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

9) The application is disposed of in the above said terms.

(SMT. ANUJA PRABHUDESSAI, J.)