

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

ANTICIPATORY BAIL APPLICATION NO. 2191 OF 2018

Padma Eliya LokeApplicant

V/s.

The State of MaharashtraRespondent

Mr. Shailesh Chavan a/w. Mr. Nilesh P. Zalte for the applicant.

Mr. Rajan Salvi, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd OCTOBER, 2018.

P.C.:

. This is an application for anticipatory bail under section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending her arrest in C.R.No.53/2018 registered with Kamothe Police Station, Navi Mumbai for offences punishable under sections 498-A, 323, 406, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Shailesh Chavan, learned counsel for the applicant and Mr. Rajan Salvi, 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 aforesaid crime was registered pursuant to the first information report lodged by Snehal Sudarshan Loke. The records prima facie reveal that the first informant Snehal Loke was friendly with Sudarshan Loke, the son of the applicant herein since the year 2008. They got married on 15/01/2015. The first informant claims that she had given money to Sudarshan Loke prior to her marriage. She also claims that the applicant herein had demanded gold chain and pendant. She had given several articles to her husband and the applicant much prior to her marriage. She claims that her husband and his family members including the applicant herein were constantly demanding money and subjected her to physical as well as mental cruelty.

4. The first information report does not prima facie indicate that the applicant herein had demanded any dowry. The material on record indicates that the first informant had voluntarily given money and several other items to her husband much prior to her marriage. The allegations in the first information report pertain to financial transactions between the first informant and her husband and the same do not prima facie constitute demand for dowry or cruelty within the meaning of section 498-A of the Indian Penal Code.

5. The nature of the allegations levelled against the applicant, do not justify custodial interrogation. The applicant is a permanent resident of Worli, Mumbai. There is no possibility of the applicant absconding and or thwarting the course of justice. The applicant does not have criminal antecedents.

6. Considering the above facts and circumstances, the applicant is entitled for pre-arrest bail. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicant in C.R.No.53/2018 registered with Kamothe Police Station, Navi Mumbai, she shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(b) The applicant shall report to the Investigation Officer for a period of four days from 29/10/2018 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicant shall furnish her permanent and temporary address, if any, and her contact details to the Investigation Officer.

(d) The applicant shall not change her residential address without prior intimation to the Investigation Officer.

(e) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)