

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

ANTICIPATORY BAIL APPLICATION NO.2165 OF 2016

Mr. Aaditya C. Pandasany

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Ms. Racheeta Dhuru for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent State.

Ms Riya Rele i/by Siddhartha Shah & Associates for Respondent No.2/Original Complainant.

CORAM : A.S.GADKARI, J.

DATE : 22nd JUNE 2018

P.C.:

1. By an order dated 23.12.2016 the applicant was granted interim relief.
2. Heard the learned counsel for the applicant, the learned counsel for Respondent No.2 and the learned APP. Perused the record of investigation.
3. Respondent No.2 wife has lodged the present crime alleging that the applicant being husband alongwith her other in-laws from time to time demanded dowry, caused mental and physical harassment, retained her Sridhan, which includes expensive jewellery and on 27.03.2016 assaulted her and driven her away from

the matrimonial house.

4. The record of investigation indicates that the close relatives of the applicant have been granted pre-arrest bail by the Trial Court. In the First Information Report, Respondent No.2 has given a list of various articles, which is alleged to have been retained by the applicant. The said articles are the Sridhan of Respondent No.2.

5. The learned counsel for the applicant submitted that, the police on two occasions conducted search of the residential premises of the applicant and have effected Panchnama of seizer of certain articles and therefore, nothing is to be recovered at the instance of the applicant, and she therefore submitted that, the applicant may be protected by pre-arrest bail.

6. The Investigating Officer Ms. Nilopher Shaikh has filed an affidavit dated 21.02.2018 and in Para No.3 of the said affidavit has given the list of articles, which are yet to be recovered from the applicant. It is submitted by the learned counsel for the applicant that the items mentioned at Sr.No.(f) & (g) in Para No.3 are the articles, which have been gifted by the uncle and cousin sister of the applicant respectively to the Respondent No.2 and those articles are not in possession of the applicant. Even if the said two items are

deleted from the said list, the Investigating Agency is yet to recover various articles mentioned in Para No.3 of the said affidavit.

7. It further appears from the record that the applicant did not cooperate in the process of investigation and is suppressing certain facts from the Investigating Agency. As noted earlier, the said articles mentioned in Para No.3 of the affidavit are yet to be recovered at the instance of the applicant.

8. After taking into consideration the material of investigation, serious allegations against the applicant and the gravity of 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.

10. At this stage, the learned counsel for the applicant submitted that the applicant intends to prefer an appeal against the present order before the Hon'ble Apex Court, and therefore, the interim relief granted by an order dated 23.12.2016 may be continued for a period of three weeks from today. At her request, interim relief to continue for a period of three weeks from today.

(A.S.GADKARI, J.)