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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2364 OF 2018**

1. Krishna Ghanshyam Lohia  
2. Manoj Balkrishna Agarwal

.....Applicants

V/s.

The State of Maharashtra

.....Respondent

Mr. Subhashg Jha a/w Ms. Sanjana Pardeshi I/b Law Global for the Applicants

Mr. S. I. Agarkar APP for the State

Ms. Kalpana Surwase, PSI, Juhu Police Station

**CORAM : NITIN W. SAMBRE, J.**

**DATE : 19<sup>th</sup> NOVEMBER, 2018.**

**P.C.**

In crime no. 509 of 2018 registered with Juhu Police Station for offence punishable under Section 498 (A), 354, 377, 406 r/w 34 of the Indian Penal Code, the Applicants are seeking pre-arrest bail.

2 Applicant no. 1 was married with the Complainant on 11/12/2009 and

out of matrimonial discord, the complaint came to be lodged on 25/10/2018.

3 Perused the allegations made in the complaint.

4 *Prima facie*, in my opinion, custodial interrogation of the present Applicants is not warranted having regard to the fact that the Complainant and the Applicant resided together from 2009 till May 2018. Apart from above, the issue of recovery of Streedhan can be looked in an appropriate matrimonial proceedings.

5 Both these Applicants are related to each other and it is not the case of the prosecution that the Applicant no. 2 is residing with the Applicant no. 1.

6 The allegations in the complaint are based on stale instances which relegate back in between 2010 – 2016 for which no convincing explanation is coming forward. As such, false implication cannot be ruled out.

7 That being so, in the event of arrest, the Applicants be released on

furnishing P.R. Bond in the sum of Rs. 25,000/- each with two sureties, in the like amount. Applicant no. 1 shall attend the Investigating Officer on 24<sup>th</sup>, 27<sup>th</sup> 29<sup>th</sup> of November and on 3<sup>rd</sup> December 2018 and Applicant no. 2 shall attend the Investigating Officer on 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> December 2018 between 10.00 a.m. to 12.00 noon and thereafter as and when directed by the Investigating Officer. The Applicants shall not influence the witnesses or tamper with the evidence.

8      The Application stands disposed of.

**[NITIN W. SAMBRE, J.]**