

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.93 of 2018

Smriti wd/o Rajendra Chapariya and others

vs.

State of Maharashtra, through P.S. Ramnagar, Tah. & Dist. Gondia

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Shri S.W. Sambre, Advocate for the Applicants.

Shri C.A. Lokhande, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 16th MARCH, 2018.

Heard.

Perused the reply of the prosecution, the complaint filed against these applicants and the counter complaint filed by applicant no.1 against the complainant in the present crime.

The complainant in the present crime, which is Crime No.13/2018, is the mother-in-law of applicant no.1. Applicant no.2 is a married daughter of applicant no.1, who is residing at Mumbai and applicant no.3 is a minor daughter of applicant no.1, who is residing along with the applicant no.1 and other members of the family. Although, the same allegations have been made against applicant nos.2 and 3, as are made against applicant no.1, it is not clarified as to what kind of role these applicants could have played in the whole affair.

At midnight hours of 27/01/2018, on the basis of the complaint filed by the mother-in-law of applicant no.1, an offence punishable under Section 406 read with Section 34 of the Indian Penal Code has been registered against the

applicants. The allegations made against the applicants are that applicant no.1 is the daughter-in-law of the complainant and taking advantage of the relationship as well as old age of the complainant, the applicant no.1 and others ill-treated the complainant and also stole gold jewellery valued at about Rs.60,000/-. This complaint also shows that on one hand, the complainant has alleged that the applicant no.1 and others committed theft of gold jewellery and on the other hand, it is also alleged that they have misappropriated the gold jewellery. However, no offence of theft under Section 379 or 380 of the Indian Penal Code has been registered against the applicants and what has been registered is an offence punishable under Section 406 read with Section 34 of the Indian Penal Code.

There is a counter complaint filed against the brother-in-law by the applicant no.1, on the basis of which offences punishable under Sections 454, 457 and 380 of the Indian Penal Code have been registered against the brother-in-law. In this counter complaint, same allegations, as are made in the present crime, have been made. It is alleged that gold jewellery of substantial value has been stolen by the brother-in-law. On the basis of this complaint, Crime No.375/2017 has been registered for the said offences. This complaint is much prior in point of time.

On going through both the complaints, it appears that apart from these applicants as well as the mother-in-law, there are several other persons residing in the house. It is also seen that *inter se* relations between these applicants on the one hand, and the mother-in-law and brother-in-law of the applicants on the other hand are strained and that is the reason why both the parties are trading charges against each

other. Surprisingly, the allegations made against each others are almost similar. In such circumstances, the possibility of exaggerations being made is not rule out. Then the possibility of some other members of the family tinkering with the gold jewellery is also not ruled out.

In the circumstances, I am of the view that applicants, who are also women, deserve to be granted anticipatory bail.

The application is allowed and the interim anticipatory bail granted to the applicants is hereby confirmed on the conditions that they shall attend the police station as and when required and shall not tamper with the prosecution witnesses.

The application is disposed of as such.

JUDGE

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