

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.737 OF 2018

Rajastan Govind Pawar & Anr.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. V.V. Purwant i/b Mr. Sachin Deokar for Applicants.

Mrs. S.S. Kaushik, APP for State.

PSI Ms. Shwetali Sutar attached to Salgarwasti Police Station, Solapur City.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 03 JUNE, 2019

P. C. :-

1. The applicants are father and son and are seeking anticipatory bail in connection with C.R.No.243/2017 registered with Salgarwasti Police, Solapur City u/sec. 406, 420 r/w 34 of I.P.C. and Section 3, 4 of the Dowry Prohibition Act, 1961.

2. The FIR was lodged on 13/12/2017 by one Mangal Kale. According to her, on 19/08/2016 (wrongly typed as year 2017 in the FIR which is clarified in the affidavit of Investigating Officer), in a

meeting to fix the marriage, first informant had agreed to give two tola of gold and clothes. On 21/08/2016 engagement ceremony took place. At that time the first informant gave ornaments and clothes, including the expenses. In the ceremony, the first informant spent about Rs.1 Lakh. Thereafter, on the request of applicants, the first informant's daughter was sent to applicants' house where she stayed for three months. Thereafter, suddenly applicants started demanding Rs.5 Lakhs and the entire expenses for the marriage. They were demanding one plot of land. The first informant was not in a position to fulfill their demands. The applicants insisted that they did not want to keep the first informant's daughter with them and broke the marriage. On these allegations FIR came to be lodged.

3. Heard Mr. V.V. Purwant for Applicants and Mrs. S.S. Kaushik, APP for State.

4. Ld. Counsel for the applicants submitted that in their community there is no custom of demanding dowry from bridegroom. In fact, the dowry is paid from the groom's side. He further submitted that both the applicants are working in police department.

5. On the other hand, Mrs. S.S. Kaushik, Ld. APP for State submitted that first informant had already given a complaint on 20/03/2017 which is a part of investigation. In the complaint she had made similar allegations against the applicants.

6. Having considered the information in the FIR, the offence under the Dowry Prohibition Act, 1961 is clearly made out which is cognizable and non bailable. If anticipatory bail is granted, in this situation the very purpose of making that offence non bailable will be frustrated. There was no reason for the applicants to keep the first informant's daughter with them for three months and thereafter refuse to perform the marriage after putting the girl in a vulnerable position. The applicants behaviour has potential of ruining her future life. So, I am not inclined to grant anticipatory bail to the present applicants. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)