

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

ANTICIPATORY BAIL APPLICATION NO.2419 OF 2018

Santosh Kallappa Chougale & Ors.

.... Applicants

versus

The State of Maharashtra & Anr.

.... Respondents

- Mr. Hrishikesh Mundargi, Advocate for Applicants.
- Mr. Anand S. Patil, Advocate for the Respondent No.2.
- Mr. Prashant Jadhav, APP for the State / Respondent.

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CORAM : SARANG V. KOTWAL, J.

DATE : 23rd JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.657/2018 registered with Shahupuri Police Station, Kolhapur under sections 498-A, 406, 420, 323, 504 r/w. 34 of IPC.

2. The FIR is lodged by one Sneha Chougale on 27/10/2018. The applicant No.1 is the husband of the first informant and applicant Nos.2 and 3 are his parents. She has stated in her FIR that she got married with the applicant No.1 on

29/12/2015 at Kolhapur. She has alleged that her parents had given her 20 tolas of gold and had given a gold chain to her husband. After her marriage, she started residing with the applicants at their house. It is her case that, when she went to reside at Kolhapur with her parents for a few days after marriage, the applicant Nos.2 & 3 removed her ornaments. When the first informant came back to reside in her matrimonial house, she noticed that the applicants were avoiding talking with her. They were ill-treating her. She has stated that applicant No.1 was addicted to liquor and when confronted he used to abuse her. Applicant No.1 even avoided to keep physical relations with her. She has further alleged that she started working to help her husband financially. But her husband used to take money from her salary. She has further stated that she had deposited Rs.1 Lakh in the account of applicant No.1. However, the behaviour of applicant No.1 still did not improve. He wanted to start a business of restaurant at Goa and therefore he constantly asked the first informant to get Rs.10 Lakhs from her parents. The first informant went to Kolhapur and informed her parents about the same. Her

parents decided to pay that amount to the applicant No.1. It is her allegation that even the applicant Nos.2 and 3 used to demand that money and on that count used to harass her. It is further alleged that the first informant came to know that applicant No.1 had illicit relations with his male friend. Therefore, she was shocked. When she asked the applicant Nos.2 and 3, about it, they avoided to answer her. Finally, in August 2018, she left her husband's house and went to her parental house. On these allegations, the FIR was lodged.

3. The investigation was carried out and though the applicants are yet to be arrested, the chargesheet is already filed.

4. Heard Mr. Hrishikesh Mundargi, Ld. Counsel for the applicants, Mr. Prashant Jadhav, Ld. APP for the State and Mr. Anand Patil, Ld. Advocate for the Respondent No.2.

5. Ld. Counsel for the applicants submitted that from bare reading of the FIR no offence as alleged is made out. He

submitted that, in any case, the applicant's custodial interrogation is not necessary. He submitted that the allegations are general in nature and they do not fall within the meaning of cruelty as mentioned under section 498-A of IPC. He submitted that the allegations that ornaments were taken against her wish are not correct as she is seen with the same ornaments subsequently in a wedding function which had taken place in the month of May 2019.

6. Ld. Counsel for the Intervener as well as Ld. APP submits that the offence of section 498-A is made out. The ornaments are still with the applicants. The further allegations indicate that the informant was cheated because the applicant No.1 had concealed his illicit relationship.

7. I have considered the submissions and the allegations made against the applicants. The allegations in the FIR are general in nature. It is not disputed that the applicant No.1 had received Rs.1 Lakh and Rs.1,40,000/- from the first informant and

her parents. However, at that time, the relations between the couple had not turned sour. Applicant No.1 wanted to start his business and for that purpose this money was taken by him. However, there are no allegations pertaining to a particular instance as to how the informant was harassed and was treated with cruelty within the meaning of section 498-A of IPC.

8. The allegations regarding ornaments are also general in nature and no details are given. The chargesheet is already filed. Therefore, at this stage, custodial interrogation of the applicants is not warranted though the applicants can be directed to co-operate with the investigation. Hence, the following order.

ORDER

- (i) In the event of their arrest in connection with C.R. No.657/2018 registered with Shahupuri Police Station, Kolhapur, the applicants are directed to be released on bail on their executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in like amount.

- (ii) The applicant No.1 shall attend the concerned Police Station from 6/8/2019 to 9/8/2019 between 3.00 p.m. to 5.00 p.m. and shall co-operate with the investigation.
- (iii) The applicant Nos.2 and 3 shall attend the concerned Police Station as and when called.
- (iv) The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)