

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 287 OF 2019**

Akash Thakur & Anr.	...Applicants
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Rahul Moghe for the Applicants

Mr. A. A. Palkar, A.P.P for the Respondent No.1-State

Mr. Lokesh Zade for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
MONDAY, 10th JUNE 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicants seek pre-arrest bail in connection with C.R. No. 0008 of 2019 registered with the Mira Road Police Station, Thane, for the alleged offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3 Perused the papers. The principal allegations as against the applicants is that the complainant had given an amount of Rupees Five Lakhs to the applicants as dowry at the time of engagement, pursuant to the demand. It is further alleged by the complainant that again, the applicants had demanded Rupees Three Lakhs for purchase of a motorbike. It is further alleged that as motorbike was not given to the applicants, the applicants refused to perform the marriage.

4 Learned counsel for the applicants disputes any amount having been either demanded or having been received from the complainant. Learned counsel for the applicants relies on the photographs which are on pages 50 to 55 to show that infact, ornaments as well as gifts were given by the applicants to the complainant at the time of engagement. Learned counsel also relies on the transcript of the conversation between the complainant's son Liladhar and applicant No.2.

5 Be that as it may, the question whether dowry was given or not, is a matter which will be decided by the trial Court. Custodial interrogation of the applicants is not required in the peculiar facts and circumstances of

the case. Accordingly, the application is allowed. Applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- each, with one or more sureties in the like amount;
- (ii) The applicants shall not contact the complainant or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iii) The applicants shall cooperate in the conduct of the trial.

6 The application is allowed in the aforesaid terms and is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.