

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

Cri. WRIT PETITION NO. 673 OF 2019

Poonam Naresh Pohuja ... Petitioners.
& Others.

V/s.

The State of Maharashtra ... Respondent.

Mr. Niranjana S. Mundargi, Advocate, i/by Vikram Sutaria for
the Petitioners.

Mrs. G. P. Mulekar, APP for the State.

(Mr. H. M. Kale, PSI, Chembur Police Station, is present.)

CORAM : PRAKASH D. NAIK, J.

DATE : MARCH 07, 2019.

PC :

1 The petitioners (original accused) are seeking
relaxation of certain conditions imposed by the Sessions Court
while granting anticipatory bail to them vide order dated
03.08.2018

2 The petitioners (original applicant) had preferred
application for anticipatory bail no. 1202 of 2018,
apprehending their arrest in CR No. 233 of 2018 registered
with Chembur Police Station, for the offences under sections
376 (2) (n) of Indian Penal Code, read with section 4 of the
Dowry Prohibition Act, 1961. The petitioners nos. 1 and 2 are

parents of original accused no.1-Vicky. Petitioner No. 3 is sister of original accused no. 1 and Petitioner No.4 is cousin brother of original accused no.1.

3 The first information report was lodged, alleging that the complainant was in relationship with original accused no.1- Vicky. Primarily, the allegations were attributed to original accused no.1. While granting anticipatory bail vide order dated 03.08.2018, under operative clause (b), the petitioners/applicants were directed to attend Chembur Police Station on 15th day of each calendar month till filing of the chargesheet. Under clause (e) it was also directed that the applicants shall not leave India without prior permission of the court.

4 The petitioners/applicants had preferred criminal writ petition no. 3580 of 2018, pending before this court, challenging the first information report. In the said petition, by way of interim relief vide order dated 21.09.2018 this court protected the petitioners, by directing not to file chargesheet qua the petitioners/ applicants.

5 Learned counsel for the petitioners/ applicants submits that the first information report do not attribute any allegation against the petitioners, constituting the offence against them except that the original applicant no. 1 had

relationship with first informant which could not worked out. There are family relation between both the applicants and the complainant. It is alleged that the original accused no. 1 had asked her to bring Rs. Fifty lakhs, as a dowry and thereafter, he will marry to her.

6 It is submitted that the petitioners/applicants had been regularly attending the police station as per order dated 03.08.2018 passed by Sessions Court and that further attendance is not warranted. It is submitted that strict conditions are imposed by the Sessions Court including the condition of not to leave India without prior permission court.

7 Learned APP submits that the applicants/petitioners have attended the police station in accordance with the order passed by the Sessions Court.

8 As stated above, the applicants have challenged the proceedings in the petition which is pending before this court, granting interim relief of not to file charge-sheet qua the petitioners. The petitioners/ applicants had preferred the application, seeking modification of the order dated 26.11.2018 passed by the Sessions Court.

9 Considering the factual aspects of the present case, the relevant conditions imposed by the Sessions Court vide

order dated 03.08.2018 are required to be relaxed. Hence, the condition stipulated in the operative order of the learned Sessions Court vide clause (b) & (e) stands deleted.

10 Writ petition stands disposed of.

(PRAKASH D. NAIK, J.)

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