

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 338 OF 2019**

MOHANBHAI DAHAYABHAI
TANDEL

.....APPLICANT

Vs.

THE STATE OF MAHARASHTRA

.....RESPONDENT

WITH

CRIMINAL APPLICATION NO. 226 OF 2019

IN

ANTICIPATORY BAIL APPLICATION NO. 338 OF 2019

ANJAL W/O. DHARMESH
WADIWAL

.....APPLICANT

IN THE MATTER BETWEEN

MOHANBHAI DAHAYABHAI
TANDEL

.....APPLICANT

Vs.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Ajit Kenjale I/by Akshay Kamble for the Applicant.

Mr. S.S. Hulke APP, for the Respondent-State.

Mr. Vijay Thakur for the Intervenor.

CORAM : A. S. GADKARI, J.

DATE : 4th APRIL, 2019.

P.C.:-

By an Order dated 7th February, 2019, the Applicant was

granted interim relief and was directed to attend the Investigating Officer of the concerned Police Station, on stipulated dates to join the process of investigation.

2 Heard the learned counsel for the Applicant and the learned APP. Perused the record.

The learned Counsel for the Applicant on instructions submitted that, the Applicant has attended the Investigating Officer on the stipulated dates and joined the process of investigation.

3 The first information report is lodged by Ms. Angel Wadiwala, the daughter-in-law of the Applicant. In the first information report various allegations of demand of dowry for purchase of house and the allegations attracting Section 354 (a) and (d) of the Indian Penal Code are made against the Applicant. The record clearly indicates that, on 11th June, 2018, the informant and her husband have entered into a deed of divorce which has been witnessed by close relatives. The present crime is registered after a period of about 7 months thereafter.

4 The learned counsel for the intervener vehemently opposed the Application and submitted that, the deed of divorce dated 11th June, 2018 was got executed from the Intervenor/informant by

exercising duress and coercion and it is bad in law. He further submitted that, the intervenor has already given notice to the Applicant and his son for non-compliance of the conditions mentioned therein. He further submitted that, the informant is in the process of filing Civil Suit for revocation of the said Consent Terms/Deed of Divorce before the competent Court of jurisdiction.

5 The facts mentioned in the first information report *prima facie* appears to be an exaggerated version of the informant as far as Section 354 of the Indian Penal Code is concerned. As far as the Section 498-A is concerned, the case in hand can be considered as an example of the observations made by the Hon'ble the Supreme Court in the case of *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273, wherein, it is observed that, there is a growing tendency to implead all the family members including the aged parents of the husband in the crime.

6 As noted here-in-above, the present crime is registered after the deed of divorce dated 11th June, 2018 executed between the informant and the son of the Applicant. Even after taking into consideration the allegations made against the Applicant herein, in view of this Court, the custodial interrogation of the Applicant for

further investigation of the present crime is not necessary.

7 In view of the above, interim relief granted by Order dated 7th February, 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

8 In view of the Order passed in Anticipatory Bail Application No. 338 of 2019, Criminal Application No. 226 of 2019 for Intervention does not survive and is accordingly disposed off.

(A.S. GADKARI, J.)