

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2278 OF 2019

1. Girja Shankar Rathi, &	
2. Dhruv Rathi.	...Applicants
<i>Versus</i>	
The State Of Maharashtra	...Respondent

....

Ms. Gayatri Gokhale a/w. Joshua A. Patnigere, Advocate for Applicants.
Mr. Prashant Jadhav, APP, for the Respondent-State.
Mr. Mandar Mhatre, Police Naik – 2168, Kamothe Police Station is present in Court.

....

CORAM : SARANG V. KOTWAL, J.

DATE : 16th OCTOBER, 2019

PC.

1. The applicants are seeking anticipatory bail in connection with C.R. No.128/2019 registered at Kamothe Police Station, Navi Mumbai under Sections 498-A, 406, 323, 504 read with 34 of I.P.C.

2. The FIR is lodged on 26.7.2019 by one Arpita Rathod. The applicants are father-in-law and brother-in-law of the first informant. The first informant has stated in the FIR that she got married with applicant No.1's son Raghav on 12.12.2008 at Delhi.

At the time of marriage, her father had spent about Rs.73 Lakhs including the gold and ornaments which were given to her. After her marriage, the informant was residing in the joint family of the applicants with her husband in Delhi. It is mentioned in the FIR that after initial four to five months, applicant No.1 started demanding Rs.11 Lakhs because he had suffered losses in his business. It is alleged that they were constantly demanding Rs.11 Lakhs and for that she was harassed. In the year 2010, the informant delivered a girl child. Applicant No.1 and her mother-in-law did not pay visit to see her newly born daughter. However, they continued residing together after that. It is further alleged that in December, 2012, the informant was asked to go and reside with her parents. After a few days, her husband informed her that they had left Delhi and they had started residing at Vasai. It is further mentioned in the FIR that the informant and her parents met the applicants. They decided that the informant and her husband Raghav should reside at Kamothe. They resided there from since 2014 upto 2017. The applicants used to pay visits to their house some times and the informant also used to visit the applicants at the house at Kandivali where they were residing at

that time. It is further mentioned in the FIR that the informant's ornaments were retained by the applicants and were not returned. The applicants were arrested in some different offence in Delhi. The informant's husband used to demand money for their court cases. On this basis, the FIR was lodged.

3. I have heard Ms. Gayatri Gokhale, learned counsel for the applicants and Shri Prashant Jadhav, learned A.P.P. for the State.

4. Learned Counsel for the applicants submitted that the FIR is filed as a counter blast to the matrimonial dispute between husband and wife. The applicants have nothing to do with their marital discord. She submitted that the offence is allegedly committed before 2012 and the FIR is lodged much belatedly. She submitted that no purpose will be served by custodial interrogation of the applicants.

5. Learned A.P.P. opposed this application on the ground that the offence was clearly made out in the FIR.

6. I have considered all these submissions. The allegations in the FIR themselves show that the informant was residing

separately from the applicants. They were only on visiting terms. Therefore, it is difficult to understand how the applicants had harassed her. The FIR is not very clear on that aspect. The allegations are vague. The alleged demand was made in the year 2008. Admittedly since the year 2012, the applicants and the informant had not resided together. In this view of the matter, as rightly submitted by learned Counsel for the applicants, no purpose will be served by custodial interrogation of the applicants. I am, therefore, inclined to grant anticipatory bail to the applicants. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.128/2019 registered at Kamothe Police Station, Navi Mumbai the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)