

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

ANTICIPATORY BAIL APPLICATION NO.2302 OF 2019

Raghav Rathi

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Ms.Gayatri N. Gokhale a/w Jashua A. Patnigere, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- PN Mr.Satish Bad, Kamothe Police Station, Navi Mumbai. present.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.128/19 registered with Kamothe Police Station, Navi Mumbai, under sections 498-A, 406, 323, 504 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Arpita Raghav Rathi on 26/07/2019. The Applicant is the husband of the first

informant. She has stated that on 12/12/2008, they got married. At that time, the informant's father had spent about Rs.73 lakhs for marriage expenses and for purchasing ornaments. After her marriage, the Applicant and the informant resided with the Applicant's family consisting of his parents and brother. It is her case that after a few days of marriage, the informant came to know that the Applicant's leg was affected by Polio. But this fact was not disclosed to her before marriage. She chose to ignore this fact, because they were already married. She has further stated that her father-in-law was asking her father to pay Rs.11 lakhs for starting business. That money was not paid and therefore she was being harassed. In 2010 she delivered her daughter. The FIR shows that the when the Applicant's parents were taunting her, he used to pacify her and used to tell her to ignore such comments. Thereafter in December 2012 the Applicant and his family suddenly asked the informant to go to her parent's place and reside there. After a few days the Applicant and his family came to reside at Vasai. They had a joint meeting and then it was decided that the

Applicant and the informant would reside at Kamothe. Since June 2013, they were residing together. Till 2017 they resided there. The Applicant's parents and brother used to visit them some times. It is her allegation that during this period all the accused including the Applicant used to harass her and were telling her that the flat should be transferred in the Applicant's name. In the meantime in the year 2017 the Applicant and all his family members were arrested in some offence at Delhi. Three months after his arrest, the Applicant was released on bail. He asked the informant to sale her ornaments to arrange for expenses for Court proceedings of his family members. But the informant refused and therefore the Applicant told her that he would leave her. Thus, according to the informant she was harassed. On this basis FIR is lodged.

3. Heard learned Counsel Ms.Gayatri N. Gokhale for the Applicant and learned APP Mr.S.H. Yadav for the State.
4. Learned Counsel for the Applicant submitted that the

Applicant has already filed Marriage Petition before the Family Court, at Bandra. The FIR is the result of marital discord and the informant is trying to pressurize the Applicant. He submitted that no offence is made out in the FIR.

5. Learned APP opposed this application on the ground that the offence is made out and custodial interrogation is necessary.
6. I have considered these submissions. Perusal of the entire FIR does not show that the Applicant had treated the informant with cruelty within the meaning of section 498-A of the IPC. The FIR in fact shows that whenever his parents used to pass comments against her, he used to pacify her and used to tell her to ignore all the comments. He himself did not pass any such comments. The only allegation against the Applicant is that he demanded money for Court proceedings to secure bail for his father and brother. Even then no serious allegation against the Applicant is made. In this view of the matter no offence against

the Applicant is made out. Therefore his custodial interrogation is not necessary. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.128/19 registered with Kamothe Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)