

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2249 OF 2018

Rakesh Abhimanyu Shinde & Ors.] ... Applicants

Versus

1. The State of Maharashtra]
2. Sou. Sushma Rakesh Shinde] ... Respondents

Mr. Harshad M. Inamdar, Advocate for the Applicants.
Smt. A.A. Takalkar, APP for the State/Respondent No.1.
Mr. Gajanan M. Savagave, Advocate for the Respondent No.2.
PSI R.D. Rathod attached to Vairag Police Station, Solapur Rural
attached.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 21st AUGUST, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.300/2018 registered with Vairag Police Station, Solapur Rural u/sec. 406, 498-A, 323, 504, 506 r/w 34 of I.P.C.
2. The Applicant No.1 is husband of the first informant Sushma Shinde. The other two applicants are his parents. The FIR is lodged on 02/10/2018 by the first informant. She has stated that, she got married with Applicant No.1 on 24/02/2018. At the time of her

marriage, her father gave 21 tola gold, utensils, clothes etc. On 04/03/2018, the informant went to reside in her matrimonial house. She has mentioned in her FIR that, the applicant on some pretext or the other avoided to establish physical contact with her. It is alleged in the FIR that, the Applicant No.1 was saying that, since the informant's father did not give them sufficient dowry, he was not interested in keeping physical relations with her. Applicant No.1 harassed her and used to beat her. The other accused along with Applicant No.1's brother continued harassing her. On 08/06/2018, Applicant No.1 assaulted the informant on her face. The others also joined him. It is alleged in the FIR that, on 19/09/2018 on petty issue, Applicant No.3 picked up quarrel with her and all the applicants assaulted her with wooden sticks. Applicant No.1 kept the file containing her certificates in his possession. She was left at her parental house. Before leaving her at that place, her ornaments were removed by them. On this basis, the FIR is lodged.

3. Heard Mr. Harshad M. Inamdar, Ld. Counsel for the Applicants, Smt. A.A. Takalkar, Ld. APP for the State/Respondent No.1 and Mr.Gajanan M. Savagave, Ld. Counsel for the Respondent No.2.

4. Ld. Counsel for the applicant submitted that, the FIR in fact is lodged as a counter blast to the notice issued by the Applicant No.1 to the informant on 21/09/2018. In the notice, the Applicant No.1 has elaborated as to how the informant herself was at fault and she was not residing peacefully in her matrimonial house. The informant had replied to that notice. He submitted that, a false case is lodged against the applicants to take revenge. He further submitted that, the allegations in the FIR are not supported by any other material. There is nothing to show that, the applicants had removed her ornaments.

5. Ld. Counsel for the Intervener pointed out that, the offence as mentioned in the FIR clearly indicates that, various offences are clearly made out. The informant was continuously harassed right from her initial days after marriage. The FIR shows that Applicant No.1 was physically incapable to maintain physical relations and suppressing this fact, the marriage was performed and her life was ruined.

6. Ld. APP relied on the medical certificate issued by Shri C.S.M. General Hospital, Solapur on 17/11/2018 in respect of the informant's physical examination carried out on 21/09/2018. This medical

certificate shows that, there are three injuries on her back and shoulders. This certificate does corroborate the allegations in the FIR.

7. I have considered these submissions. Ld. APP relied on the medical certificate as mentioned above. These injuries cannot be said to be self inflicted injuries. The informant had to take treatment in a hospital. Though, these injuries are described as simple injuries, they indicate that, the applicants had assaulted the first informant. This lends corroboration to the allegations that, the informant was continuously harassed. Though the FIR is lodged after Applicant No.1 issued notice to the informant, that by itself does not mean that the allegations in the FIR are false. In such cases, it is not unusual that a party would wait for reconciliation and as a last recourse would be compelled to lodge her FIR. Therefore, these submissions of Mr.Inamdar have no force. The allegations in the FIR clearly make out the offences against the applicants. In this view of the matter, custodial interrogation of the applicants is necessary to find out the details of the harassment and to collect evidence in that behalf including recovery of the ornaments. In this view of the matter, no case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)