

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2470 OF 2018

Arun Rajdhar Shukla .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2471 OF 2018**

Sunita Shukla .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2472 OF 2018**

Shiv Kumari Shukla .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Anirban Tripathi, Advocate, for the Applicants **in all matters**
Mr. S. S. Hulke, APP, for the Respondents – State **in all matters**

CORAM : REVATI MOHITE DERE, J.

DATE : 03.07.2019

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek pre-arrest bail in connection with C. R. No. 118 of 2018 registered with the M. H. B. Colony Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 341, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Perused the papers. The Applicant in ABA No. 2470 of 2018 is the husband of the Complainant and the Applicants in ABA Nos. 2471 & 2472 of 2018 are sister-in-law and mother-in-law of the Complainant respectively. According to the Complainant – Seema, she got married to the Applicant on 01.12.2009 and that within a few days i. e. within four days, her ornaments were taken by the Applicant and were deposited in the Bank locker and never returned to her again. The Complainant has alleged that the Applicants were demanding dowry and car, were abusing, harassing and ill-treating her. Learned counsel for the Applicants submitted that the Applicants have been falsely implicated in the said case. He submitted that falsity of the allegations in the FIR, that the Complainant had given her jewellery to the Applicant within four days of marriage, is falsified by the photographs produced by the Applicants, which show the Complainant wearing the jewellery. It

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appears that the Bank locker where the said jewellery was kept is in the name of the mother-in-law and sister-in-law of the Complainant. According to the Complainant, the jewellery was never returned to her since 2009, whereas, according to the learned counsel for the Applicants, the jewellery was throughout with the Complainant. He submits that in the circumstances, there is no question of misappropriation of the Complainant's jewellery i. e. Stridhan. He further submits that the Applicants had never demanded any car as alleged. The car which was purchased by the Applicant – Sunita Shukla was purchased by paying a previous mortgage loan. He further submits that the Applicants have co-operated with the investigation. It appears that the Applicants have attended the concerned police station and have co-operated with the investigation. It also appears that the locker where the Complainant's jewellery was allegedly kept, was opened in the presence of panchas and panchanama was done, however, no jewellery as alleged by the Complainant was found in the said locker. There are allegations and counter allegations.

4. Having regard to the peculiar facts and circumstances of the case, custodial interrogation of the Applicants is not warranted. Accordingly, the Applications are allowed and the Applicants are

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granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicants be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 20,000/- each** with one or two local sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer till the filing of the charge-sheet;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall co-operate with the investigation.

5. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)