

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 250 OF 2020

(Navaid s/o Mohd. Shah Noor Mohd. Shah, Amravati & Anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.V. Bute, Advocate for the applicants.
Mrs. H.N. Prabhu, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
JULY 21, 2020.

Heard the learned counsel for the parties through Video Conferencing and they agreed that the audio and visual quality is proper.

2. This application is filed by the applicants apprehending their arrest in Crime No. 73/2020 dated 13/02/2020 registered at Police Station, Warud, District Amravati (Rural) for the offence punishable under Section 4 of the Dowry Prohibition Act, 1961 and Section 406 read with Section 34 of the Indian Penal Code.

3. The allegation against the present applicants is that the engagement of applicant No.1 with the daughter of the complainant was broken as the applicants were demanding dowry of Rs.2,00,000/- (Rs. Two lakhs).

4. It is alleged that the applicants received a gold ring and the aforesaid amount and even after the engagement has been broken, the applicants have

denied to return the same thereby committed the offence of breach of trust.

5. Shri Bute, learned counsel for the applicant drew attention of this Court to the photographs which does not reflect any gold ring in the hands of applicant No.1 during the engagement ceremony.

6. Perusal of affidavit-in-reply filed on behalf of the State does not reflect any substantial ground for the custodial interrogation of the applicants.

7. In my opinion, directions to the applicants to attend the concerned Police Station periodically in order to facilitate the Investigating Officer to recover alleged cash of Rs.2,00,000/- (Rs. Two lakhs) or gold ring, if any, would suffice the purpose.

8. Accordingly, I pass the following order :-

ORDER

1. The Criminal Application is allowed.
2. In the event of arrest of the applicants in Crime No. 73/2020 dated 13/02/2020 registered at Police Station, Warud, District Amravati (Rural) for the offence punishable under Section 4 of the Dowry Prohibition Act, 1961 and Section 406 read with Section 34 of the Indian Penal Code, they shall be released on anticipatory bail on furnishing PR bond of Rs.15,000/- (Rs. Fifteen thousand) and one or two surety bonds in the like amount.

3. The applicants shall co-operate during the investigation and shall attend the concerned Police Station weekly i.e. on Thursday between 11.00 am to 02.00 pm and/or make themselves available as and when called by the Investigating Officer, pending trial.

4. The applicants shall not in any manner tamper with the evidences.

5. The applicants shall not leave the local jurisdiction without giving prior intimation to the concerned Police Station.

6. The Criminal Application is accordingly stands disposed of.

7. The observations made above is only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE