

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

ANTICIPATORY BAIL APPLICATION NO.61 OF 2021

Rakesh Pannalal Jaiswal and Ors. .. Applicants

Versus

State of Maharashtra .. Respondent

.....
Mr.Aashish Dubey, Advocate for the Applicants.

Mrs.Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 15, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.61 of 2020, registered with Goregaon Police Station, Mumbai, for the offences punishable under Sections 498(A), 406, 504 and 323 read with 34 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 10th February, 2020.

2 The case of the complainant is that her marriage was performed with accused no.1 on 29th April, 2015. The accused made demand of Rs.11,00,000/-and gold and threats were issued at the time of performance of marriage. The gold ornaments and Streedhan of the complainant was misappropriated by the

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accused. Complainant's father had spent huge amount in marriage.

3 FIR was registered against the applicant, his mother and married sister. Applicants had preferred an application for anticipatory bail before the Sessions Court, which has been rejected.

4 The contention of the applicants is that entire family has been roped in the FIR. The complainant had deserted applicant no.1 since 24th December, 2016, and after the period of about 4 years, the FIR was lodged. The complainant had filed the proceeding under Domestic Violence Act before the Court of Metropolitan Magistrate, prior to the FIR. There is delay in lodging the FIR. Except few articles, all the ornaments and articles of the complainant were taken away by her. In the FIR itself, the complainant has referred to household articles and some ornaments. The applicants are disputing that amount of Rs.1,00,000/-, was given in cash to applicant no.1, at the time of engagement ceremony and that ornaments were given as Streedhan to the complainant. Applicant no.1 had filed affidavit giving list of Streedhan articles, which were kept in the house and that he is willing to return it to the complainant. The list

contains certain gold ornaments and silver articles. It is also submitted that the applicant had written letter dated 18th January, 2021, for resolving the dispute amicably and that if complainant wants to take away articles, she is at liberty to do so.

5 Learned APP submitted that the complainant has alleged that her Streedhan was misappropriated by the accused. Specific role has been attributed to the applicants and the co-accused.

6 It is apparent that the marriage between applicant no.1 and complainant was performed in 2015. The complainant has also initiated proceedings under Domestic Violence Act. FIR was lodged on 10th February, 2020. The dispute has arisen out of the matrimonial discord between the parties. Considering the aforesaid factual aspects, applicants need not be subjected to custodial interrogation.

7 Hence, I pass the following order.

:: ORDER ::

- (i) Anticipatory Bail Application No.61 of 2021, is allowed;

- (ii) In the event of arrest of the applicants in connection with C.R.No.61 of 2020, registered with Goregaon Police Station, Mumbai, the applicants be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, each with one or more sureties in the like amount;
- (iii) Applicant No.1 shall hand over the articles mentioned in the affidavit filed by him on 22nd February, 2021 at 11:00 a.m. in the presence of investigating officer at the police station;
- (iv) Applicants shall not tamper with the prosecution evidence and shall cooperate with the investigation;
- (iv) Anticipatory Bail Application No.61 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)