

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

ANTICIPATORY BAIL APPLICATION NO. 139 OF 2021

Namdeo Sopan Shinde

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Sandesh D. Patil i/b Prithviraj S. Gole, for the applicant.

Smt. Vrushali Raje, for the Intervenor.

Smt. A.A. Takalkar, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 1st MARCH, 2021**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 279 of 2020 dated 17/12/2020, registered at Thane Nagar Police Station, District Thane, on 17/12/2020 under sections 498A, 354, 509, 323, 504, 506 r/w Section 34 of the Indian Penal Code.

2. Heard Mr. Sandesh D. Patil, learned Counsel for the applicant, Ms. Vrushali Raje, learned Counsel for the

Intervenor and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by daughter in law of the applicant. She has stated that she was working as an Air Hostess with Saudi Airlines. But now she was not working because of spread of covid-19. She has stated that, in the year 2016, she got acquainted with the applicant's son Pawan. They got friendly and then Pawan proposed to her for marriage. They got engaged in July 2017 at Powai, Mumbai. At that time, informant's family spent Rs. 2,10,000/-. The wedding took place in December 2018. The applicant's family told the informant's family that the informant's family would have to spend for the entire expenses of marriage. There are allegations that under some pretext the informant was made to purchase a car in Pawan's name though the applicant had spend Rs. 1,20,000/- for that car. On 13/12/2018, the informant got married with Pawan. That time her parents gave her 20 tola gold and the applicant

also gave her 9 tola gold as Shreedhan. Thereafter she started residing at Thane with applicant's family. In December 2018, itself she was sent to her parents house. At that time, her gold ornaments were taken by her mother-in-law i.e. the applicant's wife. On 13/1/2019 also the applicant was sent to her parents house for festival of Makar Sankranti. There are specific allegations against the present applicant that he asked her to come back to her matrimonial home with some gifts and at least with a gold chain. The informant's parents gave her dress and silver bowl. The mother-in-law, i.e. applicant's wife, did not like it and started harassing the informant. It is alleged that in February 2019, there was big quarrel between the informant and her mother-in-law. At that time, the applicant had called the mediator and told him about the incident. After narrating this history, the informant has stated about applicant's objectionable and obscene behaviour. She has described in detail that the applicant used to sit in front of the informant drinking liquor. He used to make obscene gestures. His acts were

outraging modesty of the informant. There are allegations that when the informant used to sleep the applicant used to touch her at various places. He used to threaten her and used to tell her not to close the door of her bedroom while she was going to take bath. There are allegations that in February 2019, the applicant and his wife demanded Rs. 10 lakhs for purchasing of flat. On her refusal, they started harassing and abusing her. In March 2019, the applicant and his wife again demanded Rs. 10 lakhs and on this occasion, the applicant drove her out of their house by holding her hand. On these allegations, the F.I.R. is lodged.

4. Shri Sandesh Patil, learned Counsel for the applicant relied on the complaint given by the informant to the Deputy Commissioner of Police on 13/11/2019. He relied on this complaint to contend that, in that complaint, the informant had stated that the applicant was always supporting the informant whenever there was quarrel between the informant and her mother-in-law. Whenever

the informant was harassed, the applicant always took her side and scolded others. He submitted that in that complaint there is no whisper about the allegations that the applicant was behaving in obscene manner. He also relied on some recorded conversations which also indicate that the applicant was always supportive of her. He therefore, submitted that in this background, the allegations in the FIR are serious but they are made because attempts for reconciliation failed and the informant wanted to pressurise applicant's family. He submitted that because of such allegations, the applicant will suffer irreparable loss. Shri Patil submitted that other family members including the mother-in-law were granted anticipatory bail and therefore on the ground of parity also the applicant deserves the same protection.

5. Learned APP for the State and learned Counsel for the first informant submitted that the informant tried her best to save her marriage and only by way of last step she had to come up with a true story. Therefore, the

informant not mentioning anything in the complaint dated 13/11/2019 should not be held against her. They both submitted that offence is very serious and therefore no protection should be granted to the applicant. They specifically relied on last part of the complaint dated 13/11/2019, wherein the informant had stated that she wished to continue to stay with her husband and she was requesting for counseling of the applicant, her mother-in-law and husband. It therefore indicates that the informant tried her best till the last moment for reconciliation. There is no reason to disbelieve her version at this stage. The matter requires investigation and as there are serious allegations against the applicant, lenience should not be shown to him. The learned APP relied on statement of informant's sister Varsha recorded on 25/12/2020.

6. I have considered these submissions. Submission of learned Counsel for the applicant that there are no allegations against the applicant in the complaint

dated 13/11/2019, is not entirely true. In that complaint, there are allegations that Pawan's parents including the present applicant had uttered bad words against the informant's parents and had humiliated the first informant. There are allegations that the applicant was only making some excuses. He was transferred to Buldhana. Though he had to come at Thane on at least three to four occasions, he did not try to sort out the issues. The applicant had blamed the informant. Thus it is not entirely true that the informant had not made any grievance against the applicant in her complaint dated 13/11/2019. However, it is true that she has not made the allegations of his obscene behaviour in that complaint. But at this stage, the contentions of learned APP and learned Counsel for the informant are required to be accepted. As referred to by the learned APP, the informant's sister Varsha has given statement wherein she has stated that she herself had advised the informant not to disclose anything about the applicant's behaviour to anybody as that would seriously affect her marital life.

7. In such situation the informant has made all efforts to save her marriage and only after that she had lodged FIR. It was the first occasion when she could have made her grievance before the police. Apart from that there are allegations that the applicant had demanded money for purchasing flat and on that count the informant was harassed. Therefore ingredients of Section 498-A of the Indian Penal Code are also made out.

8. Though the other family members are granted anticipatory bail, the allegations against the present applicant are specific and much more serious. Considering the gravity of the offence, anticipatory bail cannot be granted to the present applicant. The application is rejected.

9. At this stage, learned Counsel for the applicant prays that the interim protection granted to the applicant be extended by the period of two weeks. Considering the gravity of the offence, I am not inclined to extend the

protection. Even that prayer is rejected.

(SARANG V. KOTWAL, J.)