

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

CRIMINAL APPLICATION NO.46 OF 2018

Mrs.Farhana Sajid Patel .. Applicant

Versus

Abedaben Yunus Patel and Ors. .. Respondents

.....
Mr.Sachin B. Thorat, Advocate for the Applicant.

Mr.R.M. Pethe, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 7, 2021.

P.C. :

The applicant is the original complainant in C.R.No.282 of 2017, registered with Vashi Police Station, for the offences punishable under Sections 498-A, 406, 323, 504, 506 and 34 of Indian Penal Code (“IPC”, for short). Subsequently, Section 420 was added. First Information Report (“FIR”, for short) was registered on 24th July, 2017.

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2 The case of the complainant is that immediately after marriage was solemnized with accused no.1, he went abroad and settled in New Zealand. While proceeding, he had promised the

complainant that he would make arrangement for visa to enable the complainant to joint him. However, he had not taken any steps in that regard. He has not made himself available for investigation. The ornaments belonging to the complainant were misappropriated by the accused. The Sessions Court ought not to have grant anticipatory bail to respondent nos.1 and 2. The respondents are not attending the trial Court. The proceedings are pending before the Court. Accused have not co-operated in trial. The accused no.1 had initiated divorce proceedings at New Zealand. The age of complainant was around 22 years at the time of marriage. She is being cheated by the accused.

3 Respondent Nos. and 3 are mother-in-law and sister-in-law of the complainant. Pursuant to registration of the FIR, they had preferred an application for anticipatory bail before the Sessions Court, which has been allowed vide order dated 4th October, 2017. The application was resisted by the prosecution. it was contented by the prosecution before the Session Court that the informant was deceived that her ornaments were misappropriated. Learned Sessions Judge, while allowing the said application has observed that the allegations are on account of matrimonial dispute. The applicant therein were mother-in-law

and sister-in-law of the respondent. The application was allowed on certain condition like not to tamper with the evidence and not to threatened the complainant and not to leave the jurisdiction of India without permission of the Court. Thereafter, on completing investigation, charge-sheet has been filed against respondent nos.1 and 2. on completing investigation. Apparently the proceedings are pending before the trial Court. If the respondents are not attending the trial Court proceedings, it is obvious that the Court must have taken appropriate action.

4 Considering the aforesaid factual aspects, no ground is made out for grant of anticipatory bail.

:: ORDER ::

- (i) Criminal Application No.46 of 2018, is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)