

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

ANTICIPATORY BAIL APPLICATION NO.254 OF 2020

Mr.Sabhajit Sitaram Singh	]	
Age: 57 years, Occ:- Nil	]	
Add: 2-B/604, Mansarowar	]	
Complex, Sector 34, Kamothe, Panvel	]	
Dis-Raigarh, Maharashtra 410209	]	Applicant.
Vs.		
The State of Maharashtra		
(through Kamothe Police Station)	]	Respondents.

ALONGWITH

INTERIM APPLICATION NO.472 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO.254 OF 2020

Mrs.Rupali Vimal Singh	]	
Age 32 yrs, Add: Flat no.701,	]	
Riddhi Tower, Riddhi Garden,	]	
Film City road, Malad(E)	]	Intervener/Original
Mumbai-97	]	Complainant.

IN THE MATTER BETWEEN:

Mr.Sabhajit Singh	]	
R/A 2-B-604, Mansarovar Complex	]	
Kamothe, Sector 34,	]	
Navi Mumbai-410209	]	Applicant.
V/s		
The State of Maharashtra	]	
(at the instance of Mansarovar	]	
Police station, Mansarovar,	]	
Navi Mumbai.)	]	Respondent.

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Miss Anjana Sharma a/w Mr.Pathak i/b Anjana Law Offices for applicant.
Mr. Shrinivas C. Singh, Advocate for Intervenor in I.A. No.472/2021.
Mrs. M.M. Deshmukh, APP for State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

RESERVED ON : 4th DECEMBER, 2021.

PRONOUNCED ON : 14th DECEMBER, 2021.

PC.:

1. Heard Miss Anjana Sharma, learned Counsel for the applicant, Mr.Shrinivas Singh, learned Counsel for the Intervenor/First Informant and Mrs.M.M.Deshmukh, learned APP for State.
2. The applicant has been booked by Kamothe Police Station, Navi Mumbai in C.R.No.256/2019 of the offences punishable under Sections 498-A, 406, 504 read with 34 of the Indian Penal Code.
3. The applicant is the father-in-law of the complainant. Marriage of the complainant with the son of the applicant was solemnized on 04.12.2017 as per rituals of Hindu religion. After the marriage, the complainant went to the matrimonial house for co-habitation situated at Manasarovar Complex, Sector-34, Kamothe, Panvel, District-Raigad. On 5.6.2018, the complainant had left the matrimonial house.

4. On 9.6.2018, the applicant had lodged a complaint which was treated as non-cognizable case wherein, it had been alleged that the complainant had left the house with some ornaments.

5. The complainant thereafter lodged an FIR on 1.12.2019 with Police Station Kamothe. It is alleged that at the time of settlement of her marriage with her husband Vimal Sabhajit Singh, father-in-law i.e. applicant Sabhajit Sitaram Singh demanded dowry of Rs.7 lakhs. On 28.6.2017, at Hotel Landmark, Gokuldham, Goregaon, engagement ceremony was performed and on the same day as '*Tilak Rasm*' an amount of Rs.1.50 lakhs cash was given to the applicant alongwith golden ring of 1 tola, one silver plate, silver bowl, silver glass and silver coins. At the same time, 21 sarees, 11 pairs of clothes for males and Rs.51,000/- cash for the guests were given to the applicant. Apart from that, entire expenses of engagement ceremony including booking of Hall and expenses of Caterers, an amount of Rs.10 lakhs was spent by the family of the complainant. As a matter of fact, the entire expenses were to be divided 50% each, however, the expenses were incurred solely by the complainant's family. Out of the amount of Rs.7 lakhs as dowry to be paid to the in-laws, complainant's father had paid Rs.5 lakhs in cash by going to the house of the applicant. Balance amount of Rs.2 lakhs was deposited in the account of the applicant

with Vijaya Bank, SSI branch, Mumbai bearing Account No.505600301000260. The amount was deposited through R.T.G.S.

6. Two days prior to the marriage, the applicant contacted the complainant's father from Mobile No.9324228056 and again demanded Rs.5 lakhs. Complainant's father again visited the house of the applicant at Navi Mumbai and paid him cash amount of Rs.3 lakhs.

7. Apart from that, during marriage, relatives of the complainant and others have gifted different gold ornaments etc. to her husband Vimal Sabhajit Singh and herself.

8. The complainant came to co-habit with her husband at Navi Mumbai on 5.12.2017. On 6.12.2017, as a ritual of marriage '*Chauthi*' people from her matrimonial house wanted to take her, however, the applicant refused to send her as complainant's father had only paid Rs.3 lakhs out of his demand of Rs.5 lakhs.

9. It is alleged that after the marriage Vimal Sabhajit Singh boasted that he had acquaintance with big people. Others had received car and huge amount as dowry but complainant's family and parents had not provided

sufficient amount or gifts.

10. It is alleged that after return from the Honeymoon, applicant and all members of the family, from time to time used to insult and defame the complainant by passing insulting comments. The services of house maid were discontinued and complainant was asked to do the entire household work. She was subjected to physical and mental torture by the applicant- Sabhajit Singh, mother-in-law- Manorama Singh, sister-in-law- Supriya Singh, brother-in-law – Nirmal Singh and her husband Vimal Sabhajit Singh.

11. Complainant was not even permitted to attend the 'Satyanarayan Pooja' at her parents house on 5.6.2019 by the applicant and other in-laws. She was threatened that son of the applicant would divorce her if the demands are not fulfilled.

12. The complainant has annexed a comprehensive list of articles (her 'Stridhan') retained by the applicant and the in-laws which, they are not ready to return and have committed criminal breach of trust. The list of articles is as follows;

<u>DESCRIPTION AND WEIGHT OF GOLDEN ORNAMENTS</u>	<u>COST [IN RUPEES- APPROXIMATELY]</u>
<u>ORNAMENTS GIVEN BY THE PARENTS OF THE COMPLAINANT:</u>	
1) Four golden sets weighing 231.17 gms	Rs.12,00,000/-
2) 6 golden bangles weighing 69.500 gms	Rs. 1,80,000/-
3) Golden earrings weighing 1 tola	Rs. 30,000/-
4) Golden chain weighing 1.50 tola	Rs. 50,000/-
5) Four golden rings weighing 13.36 gms	Rs. 40,000/-
<u>GIFTS RECEIVED FROM RELATIVES IN THE MARRIAGE :</u>	
6) One Golden bracelet weighing 20.200 gms.	Rs. 66,000/-
7) Four golden rings weighing 16 gms.	Rs. 38,000/-
8)Two pairs of earrings weighing 12.2 gms	Rs. 36,000/-
<u>GIFTS/ARTICLES GIVEN TO THE FAMILY MEMBERS OF THE PARENTS IN-LAWS IN ENGAGEMENT CEREMONY:</u>	
9) Silver plate, silver bowl, silver glass, silver betel leaf, silver supari, silver fish one each & 11 silver coins	Rs. 20,000/-
10) Clothes	Rs. 20,000/-
11) 30 Kg.Mithai	Rs. 17,000/-
12) 50 Kg. Fruits	Rs. 10,000/-
13) 'Pandit Dakshina' (priest charges)	Rs. 15,000/-
14) Ring gifted to the bridegroom (husband) weighing 10 gms.	Rs. 30,000/-
15) 3 Brass 'Kalash', 1 brass plate & 2 brass 'Lotas'	Rs. 10,000/-

<u>GIFTS/ARTICLES GIVEN TO THE FAMILY MEMBERS OF THE PARENTS IN-LAWS IN THE MARRIAGE :</u>	
16) Golden chain weighing 1.50 gms. for bridegroom (husband)	Rs. 45,000/-
17) Six Golden ring for bridegroom weighing 38.57 gms	Rs.1,14,000/-
18) One Wrist watch	Rs. 10,000/-
19) Cash envelope gifted to the bridegroom (husband)	Rs.1,50,000/-
20) Raymond Suit for bridegroom (husband)	Rs. 15,000/-
21) Two golden rings weighing 10 gms.	Rs. 30,000/-
22) Oven	Rs. 11,000/-
23) Entire utensils set	Rs. 70,000/-
24) One Home theatre	Rs. 50,000/-
25) 5 Kg. Dryfruit	Rs. 5,000/-
26) Pandit dakshina (priest charges)	Rs. 5,000/-
27) 100 Kg. Mithai	Rs. 50,000/-
28) Eight Suitcases	Rs. 64,000/-
29) Sixty Sarees given to the mother-in-law	Rs.2,00,000/-
30) 15 Suits given to the family members of parents in-laws	Rs. 30,000/-
<u>GIFTS/ARTICLES GIVEN BY THE PARENTS IN-LAWS IN ENGAGEMENT CEREMONY</u>	
31) Golden necklace weighing 30 gms.	Rs. 90,000/-
32) One diamond ring	Rs. 50,000/-
33) One golden ring weighing 3 gms.	Rs. 10,000/-
34) Twelve sarees	Rs. 55,000/-
TOTAL	Rs.34,94,000/-

13. The investigation is still in progress. It is submitted by the learned APP that despite specific directions by this Court while granting interim protection to the applicant on 31.01.2020 and 3.3.2020, to co-operate with the Investigating Officer, the applicant has not been co-operating. A Report is submitted by the learned A.P.P. The Report given by the Police Inspector Uttam Jagdale, Police Station Kamothe, New Mumbai dated 4.12.2021 reveals that, earlier application seeking anticipatory bail by the applicant came to be rejected by the Sessions Court on 14.1.2021. However, this Court granted interim relief to the applicant as above. It is submitted by the learned APP that son of the applicant namely Vimal Sabhajit Singh who is accused no.1 had not attended the police station on a single day to cooperate in the investigation. When inquiry was made with the applicant, even he could not give satisfactory answers, has been reluctant to cooperate with the Investigating Officer and had not disclosed the whereabouts of accused No.1 Vimal Sabhajit Singh.

14. The investigation revealed that the applicant had received an amount of Rs.3 lakhs on 13.11.2017 which is evident from his Bank statement. In order to ascertain as to why the applicant had obtained such a huge amount from the complainant's father, needs to be probed. However, the applicant is giving evasive replies. The Investigating Officer also seeks to

interrogate the applicant to ascertain and recover '*Stridhan*' of the complainant. In case his anticipatory bail is confirmed, there is every likelihood of his abscondence to the State of Uttar Pradesh from where he belongs. Learned A.P.P, therefore, strongly urged for rejection of his application as custodial interrogation is very much required.

15. Learned Counsel Mr.Shrinivas C.Singh appearing as Counsel for the Intervenor/Informant spoke in tune with the learned A.P.P Mrs.Deshmukh.

16. Miss Anjana Sharma, learned Counsel for the applicant, however, submits that this is a matrimonial dispute. The applicant has been cooperating with the Investigating Officer. False allegations have been levelled against the applicant and his family members. Custodial interrogation is not required and therefore, prayed for confirming the interim protection.

17. It is pertinent to note that the learned Counsel for the applicant has not whispered about the '*Stridhan*' of the complainant lying with the applicant or her husband. Secondly, if it was a matrimonial dispute, there was sufficient opportunity to the applicant and his family members to settle the dispute amicably. It appears that within a few months of the marriage,

there was a discord amongst the parties.

18. I am very much mindful of the fact that there is a phenomenal increase in matrimonial disputes in recent years. There are instances where Section 498-A of the Indian Penal Code and other relevant Sections have been misused. The object of Section 498-A of Indian Penal Code is to combat the menace of harassment to women at the hands of her husband and his relatives. I am also aware of the observations of the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and Another, (2014) 8 SCC 273**. Just balance is required to be struck and to find out as to whether there is misuse of Section registered against the applicant or whether there is really some substance in the allegations levelled by the complainant.

19. The Report of the Investigating Officer comes handy. Had there being a co-operation from the applicant or even for that matter, if the '*Stridhan*' had been returned to the complainant, the dispute could have been amicably settled. No doubt, personal liberty of an individual is also equally important and it can not be curtailed without following due process of law.

20. From the attending circumstances and in view of the breach of the directions given by this Court, by order dated 31.1.2020 and 3.3.2020, it appears that the applicant is deliberately keeping away from the Investigating Officer and therefore, the interim protection granted in his favour needs to be vacated and the application seeking anticipatory bail is required to be rejected.

21. For the reasons stated hereinabove, the application is rejected.

22. In view of disposal of the anticipatory bail application, interim application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]