

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

ANTICIPATORY BAIL APPLICATION NO. 555 OF 2021

Karan Rajendra Gupta Applicant
Versus
The State of Maharashtra Respondent

Mr. R. R. Mishra for Applicant. _____
Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 61 of 2021 registered at Nayanagar Police Station, on 13/02/2021, under sections 498A, 406, 323 and 504 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Mishra, learned counsel for the applicant and Smt. Tidke, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by applicant's wife on 13/02/2021. She has stated that, she got married with the applicant on 26/04/2019 at Miraroad. At the time of fixing the marriage, the informant's parents had given

Rs. 7,50,000/- to the applicant for purchasing a car. It is alleged that, after their marriage, she started residing with the applicant and his family. After marriage, the applicant gave her some pills to prevent pregnancy. On that ground, there was some marital discord between the couple. There are other allegations in the F.I.R. that, the applicant, his parents, sister and sister's husband retained stridhan of the informant consisting of gold and silver ornaments, which the informant had brought with her. There are allegations that the applicant's parents and brother in law used to taunt her. The applicant himself was reminding her that her father had promised to give him an air conditioner. It is alleged that the applicant was demanding divorce from her. On 17/01/2020, the informant went to her parental house. After some days, she called the applicant and his family requesting them to take her back to her matrimonial house. However, they refused and thereafter the informant lodged her F.I.R.

4. Learned counsel for the applicant submitted that the informant was residing separately from the applicant from 17/01/2020 and the F.I.R. was lodged after more than a year i.e.

on 13/02/2021. In the meantime, the applicant had filed a divorce proceeding in December, 2020. This F.I.R. is lodged as a counter blast. He submitted that the applicant has attended the police station and has co-operated with the investigation. All other accused against whom similar allegations are made are granted anticipatory bail by the Sessions Court.

5. Learned APP opposed this application on the ground that the Stridhan is retained by the applicant and his family. They had accepted Rs.7,50,000/- at the time of wedding.

6. I have considered these submissions. From the perusal of F.I.R., it is clear that, since 17/01/2020 there was no cohabitation between the informant and applicant. The main allegations of harassment are directed against everybody from the applicant's family. There is no specific instance of harassment at the hands of present applicant. There is only vague allegation that the applicant was making some demands as her father had promised to give air conditioner to him. The allegation of retaining Stridhan is directed against all other accused. They are not restricted to the present applicant. It does appear that the F.I.R. is

lodged belatedly after a year. It appears to be a matrimonial dispute between the applicant and informant. In any case, custodial interrogation of the applicant, in the background of these general allegations, is not really required. The applicant can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 61 of 2021 registered at Nayanagar Police Station, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)