

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

ANTICIPATORY BAIL APPLICATION NO. 1244 OF 2021

1. Dundappa Tukaram Bhogulkar
2. Hausabai Dundappa Bhogulkar
3. Renuka Dundappa Bhogulkar Applicants

Versus

The State of Maharashtra Respondent

Mr. Sunil R. More, for the applicants.

Mr. H.J. Dedhia, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 21st MAY, 2021

(Through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 50 of 2021 registered at Rabale Police Station, Navi Mumbai, dated 10/02/2021, under sections 498-A, 406, 504 read with section 34 of the Indian Penal Code.

2. Heard Mr. Sunil More, learned counsel for the applicant and Mr. H.J. Dedhia, learned APP for the State.

3. The FIR is lodged by one Sangita Bhogulkar. She is married to Satish Bhogulkar. The applicant Nos.1 and 2 are parents of Satish Bhogulkar and applicant No. 3 is unmarried daughter of applicant Nos. 1 and 2.

4. The informant in her statement has stated that she got married with Satish on 09/05/2016. She started residing with the applicants and her husband Satish. There are allegations that, from the day of the marriage onward itself, the applicants and her husband started harassing her on issues regarding her cooking and overall house work. According to them the informant's parents had not given sufficient articles in the marriage. There are allegations that the applicants always disturbed the informant and her husband thereby depriving them of privacy. On 27/06/2016, the informant went to her parental house. Her husband did not make any efforts to take her back. The informant filed a case for maintenance in the year 2017. The informant's husband on the pretext of settling the issues, convinced the informant to withdraw

that case. Even thereafter, she was not taken back to her matrimonial house. There are allegations that the golden ornaments given to the informant were retained by the applicants. On this basis the FIR is lodged.

5. Learned Counsel for the applicants submitted that the FIR is belated. The allegations are false. There was hardly any co-habitation between the couple. The informant resided with the applicants only for a period of one and half months. Therefore, there was no possibility that she could be harassed attracting section 498-A of the I.P.C.

6. Learned APP pointed out that the Sessions Court had directed the applicants to attend the concerned Police Station. However, they failed to attend and therefore, anticipatory bail was not granted to the applicants.

7. Learned Counsel for the applicants submitted that the applicant Nos. 1 and 2 are aged persons. The applicant No. 1 is

aged 74 years and the applicant No. 2 is 65 years of age. The applicant No. 3 is suffering from breast cancer. Therefore, it was not possible for them to attend the Police Station in the prevailing situation of spread of pandemic which would have exposed them to serious health issues.

8. I have considered these submissions. The allegations in the FIR are vague. From the FIR it does appear that the informant had stayed with the applicants' family only for a period of one and half month. From 27/06/2016, she is residing with her parents. The FIR is lodged on 10/02/2021, after a long period. This delay is inordinate and reflects as an afterthought on the part of the informant. The applicant Nos. 1 and 2 are aged persons. The applicant No. 3 is suffering from breast cancer. Therefore, in the current situation, their custodial interrogation is absolutely not necessary. The fact that they have not attended the Police Station as directed by Sessions Court can be considered in the backdrop of their age, health and current situation. In this view of the matter, the applicants custodial interrogation is not necessary and they can

be protected by an order of anticipatory bail.

9. Hence, the following order.

ORDER

- (i) In the event of their arrest in connection with C.R. No.50/2021, registered with Rabale Police Station, Navi Mumbai, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)