

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

ANTICIPATORY BAIL APPLICATION NO. 1292 OF 2021

1. Avinash Sunil Gaikwad
2. Asha Sunil Gaikwad Applicants

Versus

The State of Maharashtra Respondent

Mr. Chetan S. Damre for Applicants.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. Applicants are seeking anticipatory bail in connection with C.R.No. 217 of 2021 registered at Manmad Police Station, on 29/03/2021, under sections 307, 316, 498A and 323 r/w. 34 of the Indian Penal Code (for short 'IPC') and under sections 3 and 4 of Dowry Prohibition Act.

2. Heard Shri. Chetan Damre, learned counsel for the applicants and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by applicant No.1's wife Mohini. She has stated that, she had got married with the applicant No.01 on 11/07/2019. At the wedding the informant's parents had spent substantial amount and had given golden ornaments worth Rs.2 lakhs along with cash. They had also spent Rs.80000/- as travel expenses. After wedding the informant started residing with the applicants. Initially, she was treated properly, but subsequently she was told that her parents should have given a four wheeler to the applicant No.1. There are allegations that the applicant No.1 was having affair with third person since before his marriage and he had continued even after marriage. The applicant No.1, therefore, used to harass and beat the informant. There is allegation against the applicant No.2 that she also told her to bring a four wheeler from her parents. There are general allegations against the present applicant No.2 that she did not give her food and used to make her starve. However, main allegations are confined to the applicant No.1. There are further allegations that, in between the informant had approached Satpur police station because of which the applicant No.1 treated her properly for few more days. She was taken to

Manmad. She was residing there with the applicant No.1. She was pregnant. On 13/03/2021 the applicant No.1 again demanded the dowry. He assaulted the informant with kicks and fist blows on her stomach, though, she was pregnant. Because of that beating, there was bleeding. On the next day, instead of taking her for treatment, the applicant No.1 burnt all her medical papers. The informant somehow saved herself and then gave a complaint to Manmad police station. Police then asked the applicants to go to police station, but they did not comply. The parents of the informant came there and then she was admitted to the hospital at Aurangabad. There she was told that the fetus had suffered severe damage and pregnancy had to be terminated. According to medical advice the informant underwent abortion. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicants submitted that, nothing as mentioned in the F.I.R. had ever taken place. The informant is making false allegations. The applicant No.1 is Central Government employee and he would lose his job if arrested. He submitted that the investigation can go on without his

custody. He submitted that, allegations against the applicant No.2 are not serious.

5. Learned APP opposed this application. She submitted that, applicant No.1 is hired on temporary basis by central railway and he is not a permanent employee. Therefore, his custody will not affect his career. There is definitely serious allegation against the applicant No.1, therefore, protection of anticipatory bail cannot be granted to him. His custodial interrogation is necessary.

6. I have considered these submissions. The F.I.R. itself is quite elaborate. It mentions as to how the applicant No.1 was constantly demanding dowry of Rs.5 lakhs and for which purpose the informant was even beaten on many occasions. More serious concern is about the allegation that the informant was assaulted when she was pregnant and because of that assault caused by the applicant no.1, her fetus had suffered damage and finally pregnancy had to be terminated. These allegations are quite serious and are directly attributed to the applicant No.1. Therefore, he cannot be granted anticipatory bail. So far as applicant No.2 is concerned, there are general allegations against

her and at some place there is mention that the applicant No.2 also told the informant to bring money. However, there are no serious allegations warranting her custodial interrogation. She is a lady. She is not directly involved in the dispute between informant and the applicant No.1. In this view of the matter, following order is passed: -

ORDER

- (i) Application for applicant No.1 is rejected.
- (ii) In the event of arrest of applicant No.2 in connection with C.R.No. 217 of 2021 registered at Manmad Police Station, the applicant No.2 is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)