

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

ANTICIPATORY BAIL APPLICATION NO.907 OF 2018

1) Ajay Ombir Singh; and	
2) Ombir Singh Budharam Balmiki	.. Applicants
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Salman Khan, Advocate for the Applicants.

Mr.Y.M. Nakhwa, APP for the Respondent - State.

Mr.Rajan S. Pawar, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 17, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-48 of 2018, registered with Oshiwara Police Station, Mumbai, for the offences punishable under Sections 498-A, 406, 504 and 506 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was lodged on 18th January, 2018. The complainant is the wife of applicant no.1. Applicant no.2 is the father of applicant no.1. The sister-in-law and mother-in-law of the complainant were granted anticipatory bail by the Sessions Court.

2 The marriage between complainant and applicant no.1 was solemnized on 19th February, 2017. It is alleged that the father of the complainant had given gold ornaments as Streedhan worth Rs.45,500/- to the complainant. After the marriage, the complainant joined the matrimonial home. She was harassed by the accused. Streedhan worth Rs.45,500/-, was retained by the accused and the same was misappropriated. Thereafter, supplementary statement of the complainant was recorded, wherein she has given list of the ornaments in the nature at Streedhan, which is allegedly misappropriated by the accused.

3 Learned advocate for the applicant submitted that during the course of investigation, search was conducted at the residence and whatever articles were found during the search were recovered by the police. The ornaments are not lying in custody of the applicant. The sister-in-law and mother-in-law has been granted anticipatory bail by the Sessions Court. Applicants were granted interim protection by this Court vide order dated 2nd May, 2018. Applicants were directed to report investigating officer on 8th, 9th and 10th May, 2018, and, thereafter, as and when called for.

4 Learned APP submitted that in supplementary statement complainant she has given details of the ornaments. The said ornaments are not recovered.

5 Learned counsel for the complainant submitted that there is misappropriation of the ornaments worth Rs.3,00,000/-. Pursuant to registration of the FIR, and, during the pendency of the proceedings, N.C. complaints were lodged against the applicants on 2nd January, 2018, 26th February, 2018, 23rd February, 2019 and 5th September, 2018. FIR is also lodged on 4th February, 2018, for the offences punishable under Sections 509 and 506 read with 34 of IPC. Copies of the said complaints are part of the reply filed by the complainant. Bills towards the purchase of jewellery are also annexed to the reply. The bills annexed to this reply, according to the complainant are in the name of mother and uncle of the complainant.

6 I have perused the FIR. The marriage between the parties was performed on 19th February, 2017. From the FIR, it is apparent that there were discord between the parties. The FIR was lodged on 18th January, 2018. In the FIR, it is mentioned that during the marriage, the complainant was provided with the articles enumerated in the FIR valued about Rs.45,500/-. In the

supplementary statement, the list of other articles are mentioned, which are not reflected in the FIR. N.C. complaints are relating to the exchange of words between the parties. FIR was lodged during pendency of proceedings before Sessions Court. Bills annexed to reply are in the name of mother and uncle of the complainant. It appears that search was conducted at the residence of the applicant, and, certain articles were recovered. Interim protection was granted on 2nd May, 2018. Considering factual aspects of the case, custodial interrogation of the applicant is not necessary.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.907 of 2018, is allowed;
- (ii) In the event of arrest of the applicants in connection with C.R.No.I-48 of 2018, registered with Oshiwara Police Station, Mumbai, the applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, each, with one or more sureties in the like amount;

- (iii) Applicants shall report the investigating officer, as and when called for, till filling of the charge-sheet. After the charge-sheet is filed, the applicant shall attend once in three month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Applicants shall not tamper with the evidence;
- (v) Applicants shall not threaten the complainant or any other witness;
- (vi) Anticipatory Bail Application No.907 of 2018, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)