

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

CRIMINAL APPLICATION NO. 134 OF 2020

Deepika Anirudh Mayekar
@ Deepika Nandkumar Ambekar ...Applicant

Versus

1. Vijay Ramchandra Mayekar
2. Bharati Vijay Mayekar
3. State of Maharashtra ...Respondents

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Mr. M. J. Bhatt, Advocate for the Applicant.
Mr. Y. M Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 19th JANUARY, 2021.

PC :

1. This is an application for cancellation of Anticipatory Bail granted to respondent No. 1 and 2 vide Order dated 7th October, 2020 passed by Sessions Court, Thane. The First Information Report (“FIR” for short) was registered vide C.R. No. I- 224 of 2020 with Kasarvadavli Police Station, Thane for the offences punishable under Sections 354, 406, 323, 504, 506 r/w. 34 of Indian Penal Code, 1860 (“IPC” for short).

2. The respondent No. 1 is the father-in-law and respondent no. 2 is the second wife of respondent No. 1.

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3. Learned counsel for the applicant submitted that there were serious allegations against the respondent No. 1 about outraging modesty. The applicant was tortured. The applicant is complainant. Both the accused were involved in misappropriation of the ornaments of the applicant/complainant. Ornaments were to be recovered. Learned Sessions Judge has committed error in granting anticipatory bail to the respondents. It is also submitted that husband of the applicant supports her. The applicant had lodged NC complainant against respondent No. 1 and 2 with Kasarvadavali Police Station. The investigation officer had opposed the application by filing say before Sessions Court. Custodial interrogation of accused was necessary.

4. I have perused the Order dated 7th October, 2020 passed by learned Additional Sessions Judge while granting anticipatory bail to the respondent, it was observed that during the pendency of application, they were granted interim bail. They have been regularly attending concerned police station. They have cooperated with investigation. Some of the gold ornaments were recovered at their instance. The respondent No. 1 is more than 60 years old. Respondent No. 2 is wife of the respondent No. 1. The respondents were staying separately from their son.

5. The FIR was lodged by applicant on 3rd September, 2020. The marriage of complainant was performed with son of respondent No. 1 on 8th March, 2020. She has alleged that respondent No. 1 has committed acts amounting to outraging modesty. The complainant had given her ornaments of 225 gms to respondent No.2. Ornaments were misappropriated by accused. She was tortured. Learned Sessions Judge has observed that custodial interrogation of respondents is not necessary. The contention of respondent No. 1 and 2 before the Sessions Court is that they have attended police station. The respondent No. 1 owned two flats within jurisdiction of Thane. After death of his first wife, with consent of family members and his son he performed second marriage with respondent No. 2. Prior to marriage respondent No. 1 gifted one flat to his son by executing registered gift deed. The respondent No. 1 started residing in separate house owned by him. Even after gifting flat to his son, the complainant and his son came to reside with respondents in same house. The complaint is lodged on account of property dispute. They want to grab entire property.

6. Considering the aforesaid circumstances, I do not find any reason to interfere in the order passed by the Sessions Court. No case is made out to entertain this application.

6. Hence, I pass the following order:

ORDER

Application No. 134 of 2020, is rejected.

(PRAKASH D. NAIK, J.)