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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1164 OF 2019

Mrs. Kavita Sudhakar Desai	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Jinal Rathi i/b Mr. Rahul Karnik for the Applicant.

Mr. S.V.Gavand, A.P.P for the Respondent-State.

Mr. Sanjay Sarolkar, PSI from Santacruz Police Station.

CORAM : REVATI MOHITE DERE, J.
DATE : 3rd AUGUST, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicant seeks pre-arrest bail in connection with C.R.No.164 of 2019 registered with the Santacruz Police Station, Mumbai for the alleged offence punishable under Section 420 of the Indian Penal Code.
3. Vide order dated 27th May, 2019, this Court (Coram:

N.J.Jamadar, J) granted interim protection to the Applicant on certain terms and conditions.

4. According to the prosecution, the Applicant had suppressed the fact that she was married earlier with one Shyam Memon and by suppressing the same, had induced the first informant to marry her on 25th December, 2018. According to the first informant, after marriage, the Applicant started quarreling with him and left the matrimonial house alongwith gold ornaments worth 2 Lakhs to 2.5 Lakhs. The first informant has also alleged that the Applicant induced the first informant to part with substantial monies on some pretext or the other during the said period i.e. after marriage till the Applicant left the matrimonial house. It appears that prior to lodging of the aforesaid FIR i.e. C.R.No.164 of 2019, the Applicant had also filed a complaint with the Senior Police Inspector of Santacruz Police Station, Mumbai on 2nd April, 2019 making allegations of harassment as against the Applicant. In the said complaint, the Applicant had made allegations that the first informant had physically, mentally and financially harassed her.

5. The marriage between the Applicant and the first informant appears to be by consent. The main allegations as against the Applicant is

of suppression of her earlier marriage with one Shyam Memon. As far as gold ornaments are concerned, it appears that the said gold ornaments were given to the Applicant at the time of marriage with the first informant. The Applicant is a lady and in the facts, custodial interrogation of the Applicant is not warranted.

6. Considering the aforesaid, the interim protection granted by this Court vide order dated 27th May, 2019, is confirmed on the following terms and conditions;

ORDER

(i) In the event of the arrest, the Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

(ii) The Applicant shall report to the concerned Investigating Officer of the the concerned Police Station on 9th August, 2021 and 10th August, 2021 from 10.00 a.m. to 12.00 noon.

(iii) The Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform her latest place of residence and

mobile contact number and/or change of residence or mobile details, if any, from time to time, to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to co-operate with the conduct of the trial.

7. The application is accordingly disposed of on the aforesaid terms.

8. Stand over to 11th August, 2021 for recording compliance of attendance by the Applicant, as directed in clause (ii).

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.