

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

ANTICIPATORY BAIL APPLICATION NO. 1791 OF 2021

Piyush Gajendra Jain ... Applicant
Versus
The State of Maharashtra ... Respondent

.....

Mr. Kamlesh Jain, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. Niwas Garale, (P.S.I.) Manikpur Police Station, Present.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 28th SEPTEMBER, 2021

PER COURT:

1. The applicant is apprehending arrest in C.R. No. 58 of 2021 registered with Manikpur Police Station, Mira Bhayandar, Vasai Virar for offences under Sections 498-A, 406, 323, 504 & 506 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The complainant has alleged that the applicant and the other accused had abused and subjected her to physical and mental cruelty. Stridhan of the complainant was misappropriated. The First Information Report (for short ‘FIR’) was registered on 25th February, 2021. The marriage between the parties was solemnized on 9th February, 2020.

3. Learned counsel for the applicant submitted that the complainant has left matrimonial home on 17th August, 2020. For a brief period she was residing with the applicant in the matrimonial home. He relied upon chats purportedly exchanged between the complainant and her friends. The contents of the chats itself indicate the nature of relationship between the complainant and her friends. During the course of investigation the applicant had handed over the Gold ornaments weighing about 650 grams and Silver articles weighing about 3 Kgs. He also handed over cash of Rs.8,51,000/-. Panchanama has been recorded in that regard.

4. Learned APP submitted that while granting interim relief on 4th August, 2021, learned counsel representing applicant had made statement that the applicant is willing to return the ornaments and cash. According to learned APP the claim of the complainant was that Gold was weighing about 1 Kg. and Silver articles were weighing about 10 Kgs.

5. Learned counsel for the applicant submitted that articles were being handed over to the Investigating Officer for the purpose of investigation. Whatever articles which were in his possession were submitted to Police.

6. The dispute is on account of matrimonial discord. Investigation has proceeded. Interim relief was granted to the applicant by order dated 4th August, 2021. the applicant had appeared before the Investigating Officer and his statement has been recorded. Considering the factual aspects of this case, custodial interrogating of the applicant is not necessary. Interim order dated 4th August, 2021 can be confirmed.

7. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 1791 of 2021 is allowed;
- (ii) Interim order dated 4th August, 2021 is confirmed.
- (iii) In the event of arrest of the applicant in connection with C.R. No. 58 of 2021 registered with Manikpur Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)