

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

ANTICIPATORY BAIL APPLICATION NO. 1824 OF 2021

Sanjeev Dinesh Singh Applicant

Versus
The State of Maharashtra Respondent

Mr. Prakash Hartalkar a/w Mehul P. Hartalkar a/w Tejas P. Hartalkar, for the applicant.

Mr. Ajay Patil, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 5th AUGUST 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 181 of 2021 dated 21/6/2021, registered at Koparkhairane Police Station, Navi Mumbai under sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Prakash Hartalkar, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The FIR is lodged by the applicant's wife. She has stated that she is residing alone at Koparkhairane since 17/05/2021. She was residing with the applicant till March 2021. She had got married with the applicant on 02/12/2016. At that time, the applicant's parents had demanded Rs. 25 lakhs from the informant's father. But the informant's father had given Rs. 15,51,000/-. Similarly, certain ornaments worth Rs. 5,25,000/- were given as shreedhan. After marriage, the informant started residing with the applicant's family consisting of his parents and sister. Since thereafter, the applicant's mother and sister started mentally harassing the informant. Both of them took the informant's shreedhan on the pretext that those ornaments would be safer with them. There are allegations that the applicant used to get swayed by the instigation by his mother and sister and used to harass and beat the informant. The applicant's sister continuously used to harass and threaten her. There are general allegations that the applicant and his mother used to assault her. The

informant has narrated about the instances in the year 2017 when she was suffering from injury, the applicant and his family members did not take proper care and did not provide proper treatment to her. They refused to look after her though she had suffered fracture of waist bone. The applicant did not care to look after her at that time. There are allegations that in August 2017, again Rs. 5 lakhs were demanded by the applicant and his family. Since August 2017 to 01/09/2020, the informant resided with her parents. There was some notices exchanged between the parties and ultimately on 02/09/2020, the applicant took her back to their matrimonial house. Even then harassment at the hands applicant's mother and sister continued. After few days, the applicant's mother and sister had gone out of station. The informant became pregnant. Both of them used to telephonically threaten her that they wanted a male child. Due to all this, the informant was feeling harassed and ultimately that resulted in abortion. After that, the applicant's mother and sister came back and continued with their

harassment. In February 2021, the applicant's father told the applicant and the informant to reside separately. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that it is a matrimonial dispute and no offence under Section 498-A of the I.P.C. is made out. He submitted that applicant's custody on the basis of these allegations is not necessary. He further submitted that the applicant had sent a notice for divorce on 03/06/2021 which was replied by the informant on 18/06/2021 and thereafter this FIR was lodged as a counter blast on 21/06/2021. Learned Counsel also submitted that all the other family members of the applicant against whom the main allegations are made, are granted anticipatory bail.

5. Learned APP opposed this application on the ground that streedhan is retained by the applicant's family and for recovery of that, the applicant's custody is necessary.

6. I have considered these submissions. The FIR indicates that the main allegations are directed against other family members of the applicant and particularly against mother and sister of the applicant. The allegation of retaining streedhan are directed against them. The applicant's father had told the applicant to reside elsewhere with the informant. This indicates that the applicant and the informant both were not treated properly in the applicant's house. There are general allegations against the applicant of beating the informant. But most of the allegations are against the applicant's mother and sister. According to the first informant, it was always these two ladies who used to instigate the applicant. When the informant was pregnant, these two ladies used to harass her. Considering the totality of allegations in the FIR, the applicant's role is much lesser than those of the other accused who are granted anticipatory bail. The main allegations are directed against the other accused.

7. The applicant had started process of divorce by issuing notice on 03/06/2021 to the informant. Thereafter, this FIR was lodged on 21/06/2021. The informant was residing separately from 17/05/2021. In between for more than a year she was residing with her parents. Thus there is substance in the submissions of learned Counsel for the applicant that it was a matrimonial dispute which may not amount to an offence under section 498-A. However, this will have to be decided during the trial. But for these allegations, custodial interrogation of the applicant is not necessary.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 181 of 2021 registered with Koparkhairane Police Station, Navi Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)