

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1844 OF 2021**

Mr.Rohit Tanaji Babar .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Sarang S. Aradhye for the Applicant.

Ms.Rutuja Ambekar, APP for the State.

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**CORAM: BHARATI DANGRE, J.
DATED : 03rd SEPTEMBER,2021**

P.C:-

1. The Applicant is apprehending his arrest in connection with C.R.No.182 of 2019 registered with Vita Police Station, invoking Sections 498-A, 320 read with Section 34 of the Indian Penal Code (for short, “IPC”). The complaint is filed by the wife of the Applicant, who is a Chartered Accountant and is married to the Applicant on 25/11/2017.

2. Perusal of the complaint reveal that the complainant was engaged with the present Applicant on 28/06/2017 and as per her version, the entire arrangement was made as per the wishes of the Applicant’s family and the expenses were borne by her parents. There was a time gap between the engagement and date of marriage and it is alleged that at that time father of the Applicant, Tanaji Babar demanded gold and expenses of

marriage. On showing hesitancy to arrange for the same, they were threatened that the marriage will be called off and on this count, an amount of Rs.17,00,000/- was made over to the family of the Applicant is the allegation. The marriage came to be solemnized on 25/11/2017 and it is alleged that amount of Rs.2,00,000/- was spent on the marriage and all the rituals were carried out by her family so as to please the Applicant and his family.

3. In the longish FIR, there are omnibus allegations levelled, without any specifications of date and time and the vague allegations are made about the harassment of the complainant at the instance of her husband, father-in-law, mother-in-law, sister-in-law, husband of the sister-in-law, brother-in-law and two aunts of the Applicant. It is alleged that the Applicant was addicted to liquor and used to return home by consuming liquor and was in habit of thrashing her. The complainant also mention that they had visited to Bangkok, Malaysia, Singapore after marriage, but the marriage was not consummated. She was forced to consume liquor and on failure, she was beaten is also one of the allegation.

As a part of the allegation about demand, the complainant states that her father-in-law Tanaji Babar asked her to bring money from her family and, therefore, on 29/05/2018, a cheque of Rs.24,10,000/- was deposited in his account. Cash amount of Rs.5,90,000/- came to be paid at Palshi.

These are the allegations, which featured in the complaint and the allegations are not specific, but are vague and implicate the entire family of the Applicant.

4. Pertinent to note that the father-in-law has approached this Court and by an order dated 05/08/2021, recording that the complainant had implicated the entire family, which reflect her intent to involve all the members of the family in the offence, he has been admitted to pre-arrest bail.

5. When the papers of investigation are perused, it is apparent that statement of one Annasaheb Raosaheb Jadhav @ Sudip Patil is recorded and the Applicant has also attached a receipt passed on by him, when the father of the Applicant had sold his grape vineyard to him for consideration of Rs.24,19,200/-, out of which on deduction of Rs.9,200/- which was already paid, the amount due and payable was 24,10,000/-. The Applicant has placed on record the bank statement of his father, which reflect an entry on 29/05/2018 and from the statement of Annasaheb Jadhav, it is clear that the amount was paid to Tanaji Babar.

Another amount of Rs.17,00,000/- which came from one Vasant Kharade is also on account of agricultural produce being purchased by him from Tanaji Babar.

6. Apparently it is clear that since the complainant is a Chartered Account, she has given the entries in the account of her father-in-law and levelled accusation, but the Investigating

Officer has recorded the statement in regard of the said entries and it has surfaced that the said amount, no doubt, came in the account of Tanaji Babar, but it does not come from the complainant or her family and it was the amount due and payable to him, in business. The allegations of demand, therefore, fall to the ground, *prima facie*.

As far as the harassment is concerned, the harassment contemplated in explanation (a) of Section 498-A is any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Prima facie, the aforesaid ingredients are not made out from the allegations. The Applicant is, therefore, entitled for protection.

At this stage, learned APP states that the complainant make a grievance that some of her documents and belongings are lying with the Applicant and they should be returned. Learned counsel Mr.Aradhya, on instructions from the Applicant, make a specific statement that he is ready and willing to return all the belongings and documents of the complainant. The said statement is accepted. Hence, the following order.

: **ORDER** :

(a) The application is allowed.

(b) In the event of arrest, the Applicant - Rohit Tanaji Babar shall be released on bail in C.R.No.182 of 2019 registered with Vita Police Station on furnishing P.R. bond to the extent of

Rs.25,000/- with one or two sureties of the like amount.

(c) The Applicant shall mark his attendance on 7th and 8th September, 2021 between 10.00 a.m. and 2.00 p.m. and thereafter as and when called by the Investigating Officer. On the specific dates of attendance, he shall make over the belongings and documents of the complainant to the Investigating Officer by preparing the list of the same and the Investigating Officer shall pass on acknowledgement of the same.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

(SMT. BHARATI DANGRE, J.)