

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1063 OF 2020

Sangita Rajesh Bhamare ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1071 OF 2020

Vijay Ashok Wagh ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1165 OF 2020

1. Swapnil Ashok Wagh
2. Vaishali Swapnil Wagh ...Applicants

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1065 OF 2020

Rajesh Bhausahab Bhamare ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. J. D. Khairnar, Advocate for the Applicant in all matters.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21st JANUARY, 2021.

PC :

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**RajeP.
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1. These applications are preferred under Section 438 of Code of Criminal Procedure, 1973 ("Cr.PC." for short) apprehending arrest in connection with C.R. No. 59 of 2020 registered with Virar Police Station, for offences punishable under Sections 498-A, 323, 504, 506 r/w. 34 of Indian Penal Code, 1860 ("IPC" for short). The First Information Report ("FIR" for short) was registered on 18th January, 2020. The applicants are husband and in-laws of complainant.

2. According to the complainant, her marriage was solemnized with Vijay Wagh (one of the Applicant) on 12th December, 2018. In pursuant to that the complainant was harassed by the accused. They demanded dowry. The complainant was forced to undergo abortion, which was refused by her.

3. The contention of the applicant is that the complaint is false. All the family members were impleaded as accused. The complainant had initially filed complaint with Maharashtra State Commission for Women. The statements of accused were recorded. Subsequently, the FIR has been registered. It is submitted that the allegations with regards to the demand of dowry is false.

4. Learned APP submitted that the complaint clearly spelt out the demand of dowry. Expenditure was incurred by the

complainant's father in the marriage. The complainant was harassed taunted and cruelty was caused to her on account of demand of dowry. Learned APP has tendered the letter issued by the doctor which was addressed to the police with regards to the termination of pregnancy of the complainant.

5. The FIR refers to harassment caused to the complainant. Previous complaint was filed with Maharashtra State Commission for Women. The letter written by the doctor to the police indicate that the complainant and her relatives had approached him and they were requesting for termination of pregnancy. Doctor gave them proper advice and told them, the ill-effects of termination of pregnancy. The patient then continued the pregnancy. She approached the doctor subsequently and her health was found to be satisfactory. The patient was provided routine treatment. The aforesaid letter do not indicate that applicants had forced complaint to terminate pregnancy. Considering the nature of allegations, custodial interrogation of the applicants is not necessary.

6. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No.1063 of 2020,
Anticipatory Bail Application No.1071 of 2020,

Anticipatory Bail Application No.1165 of 2020 and Anticipatory Bail Application No.1065 of 2020, are allowed;

- ii) In the event of arrest of applicant in connection with C.R. No. 59 of 2020 registered with Virar Police Station, the applicants be released on bail on furnishing P R. Bond in the sum of Rs.20,000/- (Twenty Thousand) each with one or more sureties in the like amount;
- iii) The applicants shall attend the investigating officer as and when called;
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)