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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRT PETITION NO. 3533 OF 2021**

PRIYANKA ROHIT SINGH

....Petitioner

V/s

THE STATE OF MAHARASHTRA & OTHERSRespondents

Mr. Rajeshwar G. Panchal a/w Mr. A.R. Kori a/w Mr. Anil Jaiswar for
the Petitioner.

Ms. Sharmila S. Kaushik, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 27, 2021

P.C.:-

1] This Writ Petition is preferred by the complainant questioning the order of Sessions Court, thereby refusing to show indulgence in the matter of cancellation of bail.

2] Facts necessary for deciding the Petition are as under:-

3] Petitioner married to Respondent No.2 – Accused on 25/1/2019. After matrimonial discord, on 28/10/2020 alleging demand of dowry, cruelty and so also offence under Section 377 of the IPC, Crime No.344 of 2020 came to be registered against the Respondents/Accused persons. Respondents/Accused were arrested and the Court of learned Magistrate vide order dated 9/11/2020 directed release on conditions mentioned therein. The State feeling

aggrieved preferred Revision being Revision Application No.8 of 2021 questioning the said order, which is dismissed by the learned Sessions Judge vide order dated 24/3/2021. As such, this Petition.

3] Submissions of learned Counsel for the complainant i.e. the Petitioner herein are, though Sessions Court was convinced that certain material was brought to the notice of the learned Magistrate still the Magistrate had proceeded to pass the order granting bail and yet the Sessions Court has not shown indulgence which warrants interference on merit. His further contentions are, accused persons who are Respondent Nos. 2 and 3 herein and who were enlarged on bail vide order dated 9/11/2020 have flouted bail conditions, furnished false sureties and issuing threats to the complainant etc. Counsel then would urge that against Respondents/Accused persons certain material is available with the Petitioner which needs to be brought to the notice of Investigating Agency, so that prosecution of the Respondents/Accused persons can be taken to its logical end.

4] The last submission of learned Counsel for the Petitioner is, Court is required to direct the Respondents/Accused persons to deposit stridhan as has been claimed in the FIR with Investigating Officer. Learned APP assisted the Court in assessing the material available on record.

5] It appears that the learned Magistrate has exercised power of grant of bail in the crime referred to above having regard to the

material on record and the investigation as was shown to that effect. In addition to the material, if there is any evidence available in the custody of the Petitioner so as to depict prima facie involvement of the Respondents/Accused persons in the crime in question, it is always open for the Petitioner to submit the same to Investigating Officer. Learned APP on instructions consented for such steps if to be taken by the Petitioner within a period of one week from today.

6] Apart from above, what is required to be noticed is recovery of Stridhan and cash amount cannot be looked into in present proceedings as the said issue can be gone into in appropriate matrimonial proceedings. This Court while dealing with prayer for cancellation of bail cannot look into the relief for recovery of Stridhan.

7] In the aforesaid backdrop, no case for showing indulgence in extraordinary jurisdiction is made out. Petition, in my opinion, lacks merit and same stands dismissed. However, liberty as observed hereinabove is granted to the Petitioner to produce additional material/evidence before the Investigating Officer within a period of one week from today.

(NITIN W. SAMBRE, J.)