

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

CRIMINAL APPLICATION NO. 359 OF 2018

Janaki Anand Thakker @ Janki Bhate ... Applicant

Versus

Madhusudan Hariram Thakker And Ors. ... Respondents

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Mr. Mithilesh Mishra i/by Mr. Vikram R. Sutaria, Advocate for the Applicant.

Mr. Y. Y. Dabake, APP for the Respondent – State.

Mr. C. B. Mohite, (P.S.I.) Malbar Hill Police Station, Mumbai, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 27th AUGUST, 2021.

PER COURT:

1. The applicant is the original complainant in C.R. No. 96 of 2013 registered with Malbar Hill Police Station, Mumbai for offences under Sections 498-A, 406 & 506 r/w Section 34 of Indian Penal Code. The Respondent Nos. 1 & 2 are father-in-law and mother-in-law of the applicant.

2. The First Information Report (for short 'FIR') was lodged for offences under Sections 498-A, 406 & 506 r/w Section Indian Penal Code. It was alleged that the accused had harassed the complainant. She was assaulted. She was subjected to physical and

mental cruelty. She was pressurized to deposit the amount into the account of her husband. She was intimidated. Her streedhan was misappropriated.

3. The husband of the complainant had preferred an application for discharge before the trial Court which has been allowed by order dated 13th May, 2019.

4. Learned APP submitted that pursuant to the order granting anticipatory bail, charge-sheet was filed against accused before the concerned Court. The respondent Nos.1 & 2 had preferred an application for discharge which is pending.

5. Learned counsel for the applicant submitted that the allegations in the FIR were serious. The respondent were attributed specific overt act. Complainant was subjected to cruelty. Her streedhan was misappropriated. The learned Sessions Judge ought not to have granted anticipatory bail to them. The order is erroneous and it is required to be set aside.

6. I have perused the FIR and the impugned order dated 23rd March, 2018. While allowing the said application, learned Sessions Judge has analyzed the facts and by assigning reasons, the application was allowed. The respondent Nos. 1 & 2 were aged about 65 years and 64 years respectively. The dispute relates fo

matrimonial discord. It is pertinent to note that on completing investigation, charge-sheet has been filed. The case is pending before the competent Court. The husband of the complainant has been discharged by the trial Court. In the light of the factual aspects of this matter, no case for interfering in the impugned order is made out and hence, the application is required to be rejected.

ORDER

Criminal Application No. 359 of 2018 is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)