

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

ANTICIPATORY BAIL APPLICATION NO.1556 OF 2019

1) Subhash Rajpat Pal
2) Mrs. Amravati Rajpat Pal

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Mr. Ankur Pahade for the Applicants.

Mr. S.S. Yadav, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd AUGUST, 2021.

P.C.:-

. This is an Application under Section 438 of the Code of Criminal Procedure, 1973 filed by the aforesaid Applicants apprehending their arrest in Crime No.156 of 2019 for offences under Sections 406 and 498A r/w 34 of the Indian Penal Code (IPC).

2. The aforesaid crime was registered pursuant to the FIR lodged by the wife of the Applicant No.1. They were married in the month of May, 2013. The first informant claims that the Applicant No.1 and his family members demanded dowry after distribution of wedding cards. She claims that her father was compelled to give dowry to avoid the social embarrassment as the Applicants had threatened to call off

the marriage. She has further stated that even after the marriage, the Applicant No.1 and his family members made constant demand for money and gold ornaments and subjected her to physical and mental cruelty. She has alleged that the mother of the Applicant No.1 had taken her gold ornaments and has requested to return the same. Based on the said FIR, aforesaid crime came to be registered.

3. Heard Mr. Ankur Pahade, learned counsel for the Applicants, Mr. S.S. Yadav, learned APP for the Respondent-State. Perused the records and considered the submissions advanced by learned counsel for the respective parties.

4. The records reveal that the Applicant and the first informant were married in the year 2013. They have a child, born in September 2014. After the delivery, the Applicant had stayed with her parents along with her child. She returned to her matrimonial home in January 2015 but returned to her paternal home in 2017 & since then she is residing with her parents. The first informant has made allegation of cruelty in the FIR which has been lodged more than two years after she left her matrimonial home. It is also stated that despite making such serious allegations against the Applicant and his family members, the first informant has filed a Marriage Petition for restitution of conjugal

rights.

5. The records prima facie indicate that the marital discord between the Applicant No.1 and the first informant has led to filing of the FIR. The parties had shown their willingness to explore the possibility of amicable settlement. Considering these facts and circumstances, this Court (Coram : Sarang V. Kotwal, J.) had by order dated 18/07/2019 granted interim bail to the Applicants and the said order continues to operate till date.

6. The nature of allegations, which have been made belatedly, do not justify custodial interrogation. The Applicants are permanent residents of the State and there are no chances of their absconding and thwarting the course of justice. Considering the above facts and circumstances, the Applicants are entitled for pre-arrest bail. Hence, the Application is allowed on following terms and conditions :-

(i) In the event of arrest of the Applicants in C.R.

No.156 of 2019 registered with Kharghar Police Station, Navi Mumbai, they shall be released on bail on furnishing PR bonds of Rs.25,000/- each with one or two sureties in the like amount.

- (ii) The Applicants shall report to the Investigating Officer for four days with effect from next Monday i.e. 09/08/2021 between 10.00 a.m. to 1.00 p.m.
- (iii) The Applicants shall furnish their current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

7. The Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)