

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2181 OF 2021

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Date: 2022.02.08
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Shankar Anandrao Navpute and Ors. ..Applicants

V/s.

The State of Maharashtra ..Respondent

WITH
INTERIM APPLICATION NO. 2658 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 2181 OF 2021

Sou Nutan Aditya Navpute ... Applicants

In the matter between

Shankar Anandrao Navpute and Ors. ..Applicants

V/s.

The State of Maharashtra ..Respondent

Mr. Sahil Tejawani for the Applicants.

Mr. A.R. Kapdnis, APP for the Respondent/State.

Mr. Rajesh More for the intervenor.

CORAM : C.V. BHADANG, J.

**DATE : 8 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

1. Heard the learned counsel for the parties. The Applicants who are the parents-in-law and the sister-in-law of the

first informant are seeking anticipatory bail in connection with the investigation of Crime No.383 of 2021 of Police Station Kondhava, District Pune under Section 498-A, 323, 504, 506, 377 read with Section 34 of IPC.

2. The record discloses that by a detailed order dated 13.09.2021 interim protection was granted to the Applicants. This court has observed that the principles as stated in *Arnesh Kumar v/s. State of Bihar*¹, are squarely applicable to the present case.

3. The only contention raised on behalf of the prosecution is that the Applicants have not attended and co-operated with the investigating agency. It is also pointed out by the learned APP as well as the learned counsel for the informant/intervenor that certain *Stridhan* of the informant is in the custody of the Applicant No.2, who is the mother-in-law. The learned counsel for the Applicants pointed out a report dated 19/20 of May 2021 lodged by Applicant No.2 with the concerned Senior PI and the Police Commissioner stating that the first informant with help of her brother had forcibly taken over the ornaments. It is also pointed out that some of the articles which were given at the time of marriage which includes some silver utensils and golden ornaments including a two wheeler have been seized and

1 (2014) 8 SCC 273

recovered by the Investigating Officer as per the report dated 14.06.2021.

4. If, that be so, it is a disputed question whether there are some additional golden/silver ornaments/*stridhan*, which is in possession of the Applicant No.2, which cannot be decided in this application. The accused No.1, who is the husband of first informant was arrested and has been released on regular bail without any recovery. In such circumstances, I find that the first informant has to be left to appropriate legal remedy as may be available in law for recovery of the *Stridhan*, if so advised.

5. Insofar as the present application is concerned, the same is disposed of in terms of order dated 13.09.2021 subject to the condition that the Applicants shall co-operate with the investigating agency, as and when required and shall not tamper with the prosecution evidence/witnesses.

6. The Interim Application for intervention is also disposed of.

(C.V. BHADANG, J.)