

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

**ANTICIPATORY BAIL APPLICATION NO. 1917 OF 2019**

1. Babu Varghese  
2. Poonamma Varghese .... Applicants

Versus  
The State of Maharashtra .... Respondent

None for the applicant.

Mr. Ameet A. Palkar, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.  
DATE : 7<sup>th</sup> AUGUST 2021**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 236 of 2018 registered at Kamothe Police Station, Navi Mumbai, on 27/12/2018 under sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Today, nobody appears for the applicants. The applicants are protected by interim order dated

30/08/2019. Considering this long pendency, I am deciding this matter with the assistance of learned APP.

3. The applicants are parents of the informant's husband. The informant had got married with the applicant's son Saju on 15/05/2016. That time he had a job at Kuwait as Electrical Engineer. The FIR mentions that in the wedding the applicant No. 1 asked for gold ornaments and cash amount. The informant's father paid Rs. 15 lakhs in cash and 50 tola gold ornaments worth Rs. 8,38,000/-. On 04/06/2016 the informant and all others came to Kamothe after the wedding. The informant's father had kept wedding reception at Navi Mumbai. After that, the informant's sister in law i.e. applicants' daughter Shalu and her husband were leaving for Kerala. Shalu told the informant that for safety purpose, the informant should give those ornaments to her for keeping it in locker at Kerala. The informant's husband also told her the same thing. Therefore, the informant gave golden ornaments of 25 tolas to the

applicants' daughter. The informant's husband i.e. the applicants' son left for Kuwait. He came back in September 2016. He told the informant that he wanted to purchase a flat at Kuwait and for the purpose, he demanded remaining ornaments from the informant. The informant gave him those ornaments but he did not purchase flat in Kuwait. It is her case that the applicants' daughter told the informant's father to transfer the flat at Kamothe in the name of the applicants' son i.e. the informant's husband. The informant's parents refused to oblige. Thereafter, the applicants' son and daughter i.e. informant's husband and sister in law, started harassing her. It is mentioned in the FIR that the applicants' son gave those 25 tolas of golden ornaments to the applicant No. 2. The applicants' son fought with the informant. Both applicants passively watched this and instigated their son. On one occasion, though the informant was in need of medical treatment, she was taken to hospital which was far away and medical papers were torn by the applicants and their son. In 2018, when the informant

became pregnant, all the accused including the applicants' daughter told the informant to take sex determination test for the child. She refused. On 11/1/2018 she gave birth to her son, but things did not improve. Both the applicants went back to Kerala and their son went to Kuwait. It is alleged that the informant was not taken to Kuwait. Since 2018, the applicants, their son and daughter did not keep in touch with the informant. On this basis the FIR is lodged.

4. The applicants were protected by interim order dated 30/08/2019 and since then they were under protection. The allegations in the FIR are general in nature, as far as the applicants are concerned. The major allegations are made against the informant's husband i.e. the applicants' son and the informant's sister in law i.e. the applicants' daughter. The gold ornaments were given to the applicants' daughter by the informant and remaining ornaments were given to the applicants' son. Subsequently, he had given it to the applicant No. 2.

5. There are no specific allegations of harassment alleged against the present applicants. Though there are allegations of receiving dowry, no immediate complaint was lodged. Considering the bitterness between the parties, after about five years from the marriage, custodial interrogation on such allegations will not serve any purpose. The FIR was lodged in December 2018. There was no immediate complaint regarding allegations against the applicants and the allegations are not that serious. In this view of the matter, custodial interrogation of the applicants after so many years will not serve any purpose. They can be directed to co-operate with the investigation.

6. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R. No. 236 of 2018 registered with Kamothe Police Station, Navi Mumbai, the

Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

- (ii) The Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**