

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.538 OF 2018

Dhanashri Nandkumar Mandale

Applicant

versus

The State of Maharashtra

Respondent

Adv.Rui Danawala i/by Adv.Umesh Mankapure for applicant.
Mr.S.R.Agarkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st September 2021

PC :

1. The applicant is original complainant. The FIR was lodged by applicant with Tasgaon Police Station, District Sangli on 7th August 2018 for offences under Sections 498A, 406, 323, 504, 506 r/w 34 of Indian Penal Code. The case of applicant-complainant is that her marriage was performed with respondent no.2 on 5th February 2018. From 5th February 2018 to 28th June 2018 the respondent-accused had subjected her to physical and mental cruelty. There was demand of Rs.2 lakh. She was abused and intimidated. She was assaulted. Her ornaments were misappropriated and forced to leave matrimonial house. The respondent no.2 was in illicit relationship with accused no.6.

2. Learned advocate for applicant submitted that specific overt act has been attributed to the respondents in FIR. Within short span of time after performance of marriage, the complainant was subjected to harassment. There was demand of dowry. She was abused and assaulted. The complainant was threatened and NC

complaint was lodged by her with the concerned police station. The applicant has also filed an affidavit which has been annexed to this application stating that she was intimidated by the accused to withdraw complaint filed by her. The NC was lodged by applicant under Sections 506, 34 of IPC on 17th August 2018. Learned Sessions Judge has committed error in granting anticipatory bail to the respondents. Learned counsel also submitted that pursuant to grant of anticipatory bail, police have filed charge sheet in the concerned Court and the proceedings are pending before Trial Court.

3. I have perused the FIR and the impugned order allowing application for anticipatory bail. The marriage was performed on 5th February 2018. Respondent no.2 is the husband of complainant. Respondent nos.3 and 4 are mother-in-law and father-in-law of the complainant. Respondent nos.5 and 6 are her brother-in-laws.

4. Vide impugned order dated 30th August 2018 learned Sessions Judge has allowed the application for anticipatory bail. The order indicate that learned Sessions Judge had analyzed the factual aspects of the matter and considering the facts and circumstances of the case, it was observed that there is no justification for requiring the accused to submit to custody. The respondents were initially granted interim order dated 14th August 2018 which was confirmed by order dated 30th August 2018. The accused are also directed to attend concerned police station as and when required by investigating machinery and that they shall not tamper with prosecution evidence and witnesses. It is pertinent to note that on completing investigation charge sheet has been filed and question of subjecting the respondents to custodial interrogation does not arise.

5. Considering the factual aspects and the observations of the Sessions Court while passing impugned order, there is no reason to interfere in the order of anticipatory bail. Hence, Criminal Application is rejected.

(PRAKASH D. NAIK, J.)

MST