

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

**CRIMINAL APPLICATION NO.690 OF 2017**

# The State of Maharashtra

...Applicant

## Versus

Abedaben Yunus Patel and Anr.

## ...Respondents

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Mr. S.V. Gavand, APP for the Applicant-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 15<sup>th</sup> SEPTEMBER, 2021.**

**P.C.:-**

This is an application filed under Section 439(2) of the Code of Criminal Procedure, 1973, for cancellation of bail granted to the Respondents vide judgment dated 04/10/2017 passed by the learned Additional Sessions Judge, Thane, in Anticipatory Bail Application No.2239 of 2017.

2. Heard learned APP for the State. Perused the records. Respondent No.1 is the mother-in-law and Respondent No.2 is the sister-in-law of the first informant -Farhana Patel. Crime against the Respondents was registered pursuant to the FIR dated 24/07/2017 lodged by Farhana Patel. She had alleged that her husband -Sajidhusen Patel, and his family members i.e. Respondents herein had subjected

her to cruelty. She had stated that the Respondents had not returned her Stridhan. Based on the said FIR Crime No.I 282 of 2017 was registered against the Respondents and Sajidhusen Patel-husband of the first informant at Vashi Police Station for offences punishable under Sections 323, 406, 498-A, 504 and 506 r/w 34 of the IPC. Respondents had applied for pre-arrest bail. By order dated 04/10/2017 learned Additional Sessions Judge, granted pre-arrest bail to these Respondents.

3. Learned Judge has observed that there is matrimonial dispute between the first informant and her husband. It is also observed that these Respondents i.e. mother-in-law and sister-in-law of the first informant cannot be detained in custody for recovery of stridhan. Learned Judge has placed reliance on the decision of the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar, 2014 ALL SCR 2544*** and held that presence of the Respondents is not required for custodial interrogation.

4. Having gone through the records, in my considered view the order is not perverse and does not suffer from infirmities. The Respondents are on bail since 2017 and they have not misused the liberty. It is further stated that the investigation is completed and

charge sheet has been filed and case has been registered as C.C. No.974 of 2017, which is pending before the learned JMFC, Vashi.

5. Considering the above facts and circumstances, no case is made out for cancellation of bail Hence, the application is dismissed.

**(SMT. ANUJA PRABHUDESSAI, J.)**