

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

ANTICIPATORY BAIL APPLICATION NO. 2721 OF 2019

Dharmesh Rameschandra Intodiya (Jain)	 Applicant
Versus	
The State of Maharashtra & Ors.	 Respondents

Mr. Mahendra M. Agavekar a/w Shraddha Chavan for the applicants.
Smt. Geeta P. Mulekar, APP for the State/Respondent.
Mr. Gajendra Jadhav, for Respondent No. 3.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. No. I-305 of 2019 registered at Vartak Nagar Police Station, Thane, under sections 498-A, 406, 323, 504, 506, 507 of the Indian Penal Code.

2. Heard Mr. Mahendra Agavekar, learned counsel for the applicant, Smt. G.P. Mulekar, learned APP for the State and Mr.

Gajendra Jadhav, learned advocate for Respondent No. 3.

3. The applicant is the husband of the first informant. The FIR is lodged by wife of the applicant. She has stated that they got married on 23/11/2017. According to her, the entire marriage expenses were incurred by the informant's father. He had given expensive ornaments and other articles at the time of marriage. The informant has narrated that when the informant and the applicant had gone to Udaypur after their marriage, some dispute started. The informant was suffering from ailment but the applicant did not take her to any doctor for treatment. There are allegations in the FIR that the applicant's parents were demanding 50 tola gold and on that count they were harassing the first informant. The applicant's sister also joined in such harassment. It is alleged that the applicant's father used to interfere in the personal life of the couple. In April 2018, when she was pregnant, applicant's parents used to abuse and beat her. She was taken to their home town at Rajasthan. Her harassment continued. Thereafter the applicant brought the informant to Mumbai. The

informant's father took her to Thane. In April 2018, the informant was beaten and for that she was required to be admitted in the hospital. She gave birth to a child in December 2018. She was staying with her parents. The applicant and his family members did not bother to visit the informant even after her delivery. They continued demanding money. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the applicant had filed proceeding for conjugal rights in August 2019. The informant herself was not willing to reside with the applicant and therefore as a counter blast of this proceeding, this FIR is lodged. He submitted that the other family members of the applicant are already granted anticipatory bail. The applicant's case is on better footing than those. Therefore, the applicant deserves to be released on anticipatory bail on the ground of parity.

5. Learned APP opposed this application. She submitted that there are allegations that informant's Streedhan was still lying

with applicant. For recovery of that Streedhan the applicant's custody is necessary.

6. Learned Counsel for Respondent No. 3-First respondent submitted that the applicant's father has circulated some material against the informant's father causing further harassment to the informant. He submitted that considering the nature of the allegations, the applicant does not deserve protection of anticipatory bail.

7. I have considered these submissions. The allegations in the FIR are mainly directed against applicant's parents. There are general allegations against the present applicant. There is statement that all the family members of the applicant were demanding money and causing harassment. Other family members of the applicant are granted anticipatory bail. Therefore, on the ground of the parity the applicant deserves anticipatory bail.

8. The applicant is already under protection since 12/12/2019. Therefore, based on these general allegations, applicant's custodial interrogation is not necessary. He can be directed to co-operate with the investigating agency. The investigating agency can take proper steps in accordance with law in respect of Streedhan. For that purpose, applicant's custody is not necessary.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.305 of 2019 registered with Vartak Nagar Police Station, Thane, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall not tamper with the investigation and shall not cause further harassment to the first informant.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)