

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

ANTICIPATORY BAIL APPLICATION NO. 2762 OF 2019

1. Vivek Dnyaneshwar Patil
2. Shubhangi Dnyaneshwar Patil Applicants

Versus

The State of Maharashtra and Anr. Respondents

Mr. Niranjan Mundargi a/w Mr. Suraj Naik i/b R.D. Suyawanshi,
for the applicants.

Smt. Geeta P. Mulekar, APP for the State/Respondent.

Mr. Sudhir Halli, for Respondent No. 2.

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

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 222 of 2019 registered at Uran Police Station, Raigad, under sections 498-A, 406, 417, 323, 504, 506 read with Section 34 of the Indian Penal Code.

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

Sudhir Halli, for Respondent No. 2.

3. The applicant No. 1 is the husband of the informant and applicant No. 2 is the sister of applicant No. 1. The FIR is lodged by applicant No. 1's wife on 17/10/2019. She has stated in her FIR that she got married with the applicant No. 1 on 31/03/2016. It was told to the informant and her family that the applicant No. 1 was a Civil Engineer. His horoscope was shown to the informant. In the horoscope, the date of birth of applicant No. 1 was mentioned as 15/11/1982. The FIR goes on to mention that the informant's father had spent exorbitant amount in the wedding and had given expensive ornaments etc. to the applicant No.1. It is alleged that after the marriage, initially she was treated properly but within 15 days, applicant No. 2 and her mother started harassing the informant by demanding articles. She was also harassed on the ground that she was over weight. It is alleged that on some occasions, applicant No. 1 and her mother used to beat her. It is mentioned in the FIR that, about one and half months after marriage, the informant came to know that applicant No. 1 was S.S.C. fail and that his birth date was 14/11/1974. The

informant realised that she was cheated. But inspite of that she continued with her marital life. There are allegations that the applicant was addicted to liquor and used to suspect the informant's character. After few days, the informant told about the birth date of applicant No. 1 to her parents. It is her case that when the applicant No.1 used to beat her and abused her, there was some mobile phone recording of the incident. The informant's parents tried to settle the issue. However, they were not successful and finally this FIR is lodged.

4. Shri Mundargi, learned Counsel for the applicants submitted that the applicant No. 1 had given a complaint to Navi Mumbai Police Commissioner on 14/10/2019 mentioning his story and expressing apprehension that the informant was likely to lodge false complaint against applicant No. 1 and his family. Shri Mundargi submitted that as a counter blast to this complaint, this FIR was lodged.

5. Shri Halli learned Counsel appearing for the first informant submitted that the allegations mentioned in the FIR, made out offence against the present applicants. He submitted

that the informant tried her best to see that the matter was settled but there were no response from the applicants' side. Shri Halli as well as learned APP submitted that for recovery of the ornaments the applicants' custody is necessary.

6. I have considered these submissions. The allegations pertain to the period from 2016 to October 2019. The applicant No. 1 had approached the police prior to lodging of the FIR by the informant and had expressed his apprehension. The efforts for mediation had failed. It appears that there was some dispute in the marital life of the couple. For that purpose and in the particular facts of the case and background of the case, custodial interrogation of the applicants is not required, specially when the applicants are on interim protection for a very long period. As far as recovery of the ornaments is concerned, the FIR was lodged in October 2019, the applicants were on interim protection since December 2019, since two years the investigating officer has not done anything. Therefore after all these years it would be futile to permit the investigating agency to have custodial interrogation of the present applicants. Hence, in this view of the matter, interim

protection granted to the applicants can be made absolute and they can be protected by the order granting anticipatory bail.

7. Learned APP tendered a report of the investigating Officer dated 18/09/2021. It is mentioned in that report that the investigation in the offence is already over and the investigating agency wanted to file charge-sheet before the competent Court. This clearly means that custodial interrogation for the purpose of investigation is not necessary in this case.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No. 222 of 2019 registered with Uran Police Station, Raigad, 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.)