

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.701 OF 2022

Jyoti Chandulal Kothari @
Jyoti Shivaji Jadhav ... Applicant

Versus

The State of Maharashtra
Through Police Station Officer,
Jamner Police Station,
District Jalgaon. ... Respondent

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Mr. Satyajit S. Bora, Advocate for the Applicant
Ms. V.N. Patil Jadhav, APP for Respondent / State

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CORAM : SARANG V. KOTWAL, J.

DATE : 09th JUNE, 2022

PER COURT:-

. The applicant is seeking anticipatory bail in connection with C.R.No.0041 of 2021 registered at Jamner Police Station, Dist. Jalgaon on 11.02.2021, under sections 406, 420, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Satyajit Bora, learned counsel for the applicant and Ms. V.N. Patil Jadhav, learned A.P.P for Respondent /State.

3. The F.I.R. is lodged by one Bhavana Lalwani. She has stated that, her elder son was suffering from some speech deficiency and therefore there were difficulties in getting him married. The

informant, her family members and their relative searched for suitable match. For that purpose they were ready to spend money. The F.I.R. is goes on to mention that the applicant's daughter Pooja's proposal for marriage with the informant's son, was brought by a relative. After initial discussions, Pooja's parents i.e. applicant and her husband demanded Rs.6,00,000/- for the marriage. Their demand was met. The amount was paid to the applicant and her husband. The marriage took place on 09.12.2020. The applicant's daughter Pooja stayed with her husband till 15.12.2020. After that she was taken to her paternal house. On 21.12.2020, Pooja was brought back to her matrimonial house by the informant's elder son Bhavesh. On 29.12.2020, Pooja's father came to the informant's house. He told the informant that Pooja's grandfather was seriously ill. He wanted to see Pooja. On this representation, Pooja went back to her paternal house. While going, she took away her suitcase and baggage. On the next day, the informant did not find her ornaments. She realised that Pooja had taken away the ornaments. Their common relatives asked Pooja's father to send her back. He told them that he would bring her back. However, neither Pooja was sent nor ornaments were returned. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that it is quite obvious that Pooja had left the matrimonial house because of matrimonial discord and therefore no offence either under section 406 or under section 420 of the Indian Penal Code is made out. The applicant is not shown to have played any role in the entire episode. She being mother of Pooja is falsely implicated in this offence.

5. Learned A.P.P. opposed this application. She submitted that it was a well planned and executed conspiracy. The informant was party to the conspiracy. She was present when money was handed over to her and to her husband and thereafter the marriage was performed. Pooja returned to her paternal house. The informant had suffered monetary loss besides loss of reputation. Therefore, anticipatory bail should not be granted to the applicant.

6. I have considered these submissions. The F.I.R. is lodged against the applicant alleging that she had accepted the money along with her husband. In the F.I.R., all the allegations are mainly against the applicant's daughter Pooja. According to the F.I.R., Pooja had stayed in the matrimonial house from 09.12.2020 to 15.12.2020. Thereafter, again she came back on 21.12.2020 and after that she left the house on 29.12.2020. Thus, it appears that

the applicant's daughter did stay with the informant for a few days. In the entire episode, there are hardly any serious allegations against the applicant. Therefore, whether this episode is a result a conspiracy, will have to be decided during the trial. However, based on these allegations, if the applicant's custodial interrogation is permitted, she will suffer irreparable loss. The other accused including Pooja were arrested and they are released on bail. The incident has allegedly taken place in December, 2020. Therefore, after 2½ years, custodial interrogation of the applicant is not necessary.

7. Hence, the following order:

ORDER

- (i) In the event of her arrest in connection with C.R. No. 0041 of 2021 registered at Jamner Police Station, Dist.Jalgaon, the applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Application is disposed of accordingly.

[SARANG V. KOTWAL, J.]

S.P Rane