

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

**ANTICIPATORY BAIL APPLICATION NO.39 OF 2022**

Mayur Trimbak Yashwante

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Rajesh Jain, Advocate for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 31<sup>st</sup> JANUARY, 2022**  
**[Through Video Conferencing]**

**P.C. :**

1. The applicant is seeking anticipatory bail in connection with C.R.No.437/2021 registered at Rabale Police Station, Navi Mumbai on 21.10.2021 under Sections 323, 406, 498-A, 506(2) read with 34 of the Indian Penal Code.

2. Heard Shri Rajesh Jain, learned counsel for the applicant and Shri P.H. Gaikwad, learned APP for the State.

3. The FIR is lodged by the applicant's wife. She has stated that she was residing with her sister Kavita since May, 2021. She had

got married with the applicant on 27.12.2020. After that, she started residing with the applicant and his parents at Dombivali. After about 15 to 20 days of the marriage, all of them went to Neral to see a flat. They chose one flat. The informant was told that the price of that flat was Rs.36 Lakhs. The applicant and others told the informant to get Rs.6 Lakhs from her mother. The informant refused. She told them that she had lost her father and the mother is looked after by the informant's sister Kavita; and that, they were not in a position to give that amount. After a few days, the applicant told her that he had booked that flat for Rs.21,000/- and insisted that the informant should bring Rs.6 Lakhs from her mother and on that count they started harassing the informant. The FIR mentions that she had given complaint to Vishnu Nagar police station on two occasions. In the month of January, 2021, she had gone to her mother's place for some work relating to her college education. That time, she told her mother and sister about the applicant's demand. She also informed about the same to her other sister Anita. It is the case of the informant that the applicant was ill-treating her and refused to take her for cohabitation. On some occasion, the Women Help Desk at

Belapur called the applicant and the informant for counselling. At that time, the applicant had stated that he wanted to cohabit with the informant, but, after that he refused to cohabit with the informant. The ill-treatment continued as the informant did not bring the money. Finally on 30.5.2021 she was driven out of their house. They retained her *stridhan* worth Rs.1,24,000/-. On this basis, the FIR is lodged.

4. Learned counsel for the applicant stated that the informant had earlier given her written complaint dated 30.7.2021 which is recorded by Women Help Desk, Crime Branch, Navi Mumbai. In that statement, her story is entirely different. There is no reference to demand of Rs.6 Lakh and ill-treatment on the ground of not meeting that demand.

5. Learned APP opposed this application. He relied on the contents of the FIR as well as statement of the informant's sisters Kavita, Anita and her mother in respect of demand of Rs.6 Lakhs and ill-treatment meted out to the informant on the ground of non-fulfillment of that demand.

6. I have considered these submissions. The earlier complaint made by the informant on 30.7.2021, which is recorded by the Crime Branch, Navi Mumbai refers to completely different grievances. There is no reference to the demand of Rs.6 Lakhs. In that complaint she has stated that after her marriage; for about six days, the applicant and others behaved properly with her, but, after that the applicant and his mother used to say that they had to spend half of the expenditure during marriage and no household articles were given to her in the marriage. The applicant even never treated her with love and affection. On the first *Sankranti* she had gone to her maternal house. She was dropped back to her matrimonial house by her sister. At that time, the applicant and his mother continuously made grievances against the informant. The informant and her sister offered their apology and, therefore, the informant was allowed to stay in the matrimonial house, but, even then the applicant was not treating her properly. He used to say that he was forced to marry her. On 4.2.2021, the informant was driven out of the house. She had given an N.C. complaint to the police. After three days the applicant took her back and his parents insisted that the informant should take

back her complaint. On 18.4.2021, the informant made one more police complaint because the applicant tried to assault her. That time, she was at her sister's place. Thereafter the informant's family requested the applicant to take her back but they refused and finally she gave her complaint to the Women Help Desk, Crime Branch, Navi Mumbai.

7. As can be seen that the story in this earlier complaint filed in July, 2021 is entirely different than the FIR which is lodged in October, 2021. In the first complaint, there is no reference to demand of Rs.6 Lakhs and ill-treatment meted out to her on the ground of non-fulfillment of that demand. Entirely different story is mentioned. The narration is of troubled relationship between the informant and the applicant. Some definite doubt is raised regarding the correctness of the facts which are mentioned in the FIR registered in October, 2021. In any case, the applicant was residing with her sister since May, 2021 and the FIR is lodged in October, 2021. This delay is also significant in the context of the case. Thus, sufficient doubt is raised about the informant's version and, therefore, based on these allegations, the applicant's custodial interrogation will not be

justified. He can be protected by an order of anticipatory bail. He is directed to cooperate with the investigation.

8. Hence, the following order :

**ORDER**

- (i) In the event of his arrest in connection with C.R.No.437/2021 registered with Rabale Police Station, Navi Mumbai, the applicant is directed to be released on bail on his furnishing a 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 attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed  
by  
PRADIPKUMAR  
PRAKASHRAO  
DESHMANE  
Date:  
2022.02.01  
18:15:11 +0530

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)