

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

ANTICIPATORY BAIL APPLICATION NO. 84 OF 2022

1. Smt. Mantora Hansraj Gupta
2. Hansraj Shyam Gupta
Versus
The State of Maharashtra

.... Applicants
.... Respondent

Mr. Prashant V. Malik for Applicants.
Ms. S. S. Kaushik, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY 2022**

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.757 of 2021 registered at Mahatma Phule Chowk police station, on 13/11/2021, under sections 498-A, 316, 341, 342, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Prashant Malik, learned counsel for the applicants and Ms. Kaushik, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Sangeeta Gupta. Both the applicants are parents of

her husband. She has stated that, she got married on 18/04/2016. Thereafter she was residing in a big joint family consisting of applicants, her four brothers in law, two sisters in law i.e. wives of her brothers in law and their children. There are specific allegations that, after marriage both the applicants were causing her mental and physical harassment on the ground that informant's parents had not given any dowry. She has stated that, in February 2021 she was pregnant. At that time the applicant No.1 had beaten her and, therefore, at that time, she had suffered miscarriage. Even after that she was not taken for medical treatment, instead, she was made to do household work.

4. On 11/11/2021, there was some petty issue between the informant's son and her sister in law's son. When the informant tried to intervene, the applicant No.1 scolded her. The informant's husband slapped her 2-3 times. There are specific allegations that the applicant No.1 abused her, slapped her and banged her head on a wall. She gave a fist blow on her stomach. The applicant No.1 threatened her that she would see to it that the informant's husband would get married second time. Again at that time, she

complained that informant's parents had not given dowry.

5. It is further mentioned in the F.I.R. that the applicant No.2 slapped her. As the informant was trying to escape, the applicant No.2 pushed her. The informant went to her bedroom to get her purse and mobile phone. At that time, the applicant No.1 was not allowing her to take those articles. At that time, the informant slapped the applicant No.1. The applicant's son captured that particular part in his mobile phone. When the informant tried to get the phone, her husband beat her. After that, informant's husband kicked her in her stomach. The informant tried to go to the police station, but she was not allowed to go. There are further allegations against both the applicants that, both of them locked her in the bedroom and they went to their shop. In the evening, she received a phone call from her father. He came there from Karjat. Thereafter the informant was taken away from her matrimonial house by her father and brother. In the night on 12/11/2021 they stayed together at her uncle Rajesh Gupta's house. On the next day, she suffered abortion. The fetus was thrown in the dustbin. Thereafter, the informant was taken to the

hospital and while taking treatment she gave her F.I.R.

6. Learned counsel for the applicants submitted that there are no allegations against the applicant No.2 in the F.I.R. Even against the applicant No.1 there are hardly any allegations. The F.I.R. says that the informant herself had assaulted the applicant No.1. He submitted that, at the trial it can be proved that the informant had suffered abortion because of wrong treatment in the hospital. He submitted that, there is nothing to be recovered at the instance of both the applicants. There are no allegations of any misappropriation of stridhan. There are no antecedents against the applicants. Learned counsel submitted that, husband of the informant is already arrested and he is on bail as of today.

7. Learned APP opposed this application based on the contents of F.I.R. She submitted that the offence is serious because the informant has suffered abortion due to beating.

8. I have considered these submissions. There are sufficient averments in the F.I.R. spelling out role against both the applicants. There are specific allegations of harassment on dowry demand. The applicant No.1 banged the informant's head on a

wall and had also given a blow with fist on informant's stomach. At that time, she was pregnant of three months. The applicant No.1 obviously was aware of it. The applicant No.2 also slapped her and she was locked in a room. All this definitely amounts to cruelty. Apart from that, because of the beating, she suffered miscarriage immediately within two days. Therefore, both these incidents are interlinked. There are direct roles attributed to both the applicants.

9. In this view of the matter, no case for grant of anticipatory bail in favour of applicants is made out. The allegations are serious. As mentioned earlier, ingredients of all the offences are mentioned in the F.I.R.

10. The application is rejected.

(SARANG V. KOTWAL, J.)