

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

ANTICIPATORY BAIL APPLICATION NO. 109 OF 2022

Mrs. Indra Mishra	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Shambhu Jha i/b. Jitendra Jha for Applicant.
Ms. Rutuja Ambekar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1088 of 2021 registered at Virar Police Station, on 13/11/2021, under sections 498A, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Shambhu Jha, learned counsel for the applicant and Ms. Rutuja Ambekar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by the daughter in law of the applicant. She has stated that, she got married with the applicant's son on 21/02/2021. After her

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marriage, she started residing at her matrimonial house with her husband and his family including the present applicant. There are allegations that her husband wanted a motorcycle and money and for that he started making demands and started quarreling with the informant. There are allegations that, apart from her husband, the applicant and father in law of the informant also used to cause mental and physical harassment to the informant. The F.I.R. mentions that, informant's husband used to engage in conversation on his mobile phone with another woman. When questioned by the informant, he threatened the informant. It is alleged that, even at that time, the applicant had slapped the informant. The informant got fed up and left the matrimonial house on 02/08/2021. There are allegations that, at that time, the applicant removed ornaments from the informant's person. Thereafter the informant was never taken back to her matrimonial house, instead, she received a notice for divorce. On these allegations the F.I.R. was lodged. By recording a supplementary statement, further allegations were added to mention that, on one occasion in June 2021, the applicant put a lizard in the food given to the informant

and thus the applicant tried to cause harm to her. This supplementary statement was recorded on 15/11/2021.

4. Learned counsel for the applicant submitted that the F.I.R. is lodged on general allegations only after notice of divorce was received by the first informant. The informant was staying with her parents on 02/08/2021 and the F.I.R. is lodged on 13/11/2021. He submitted that the story of putting a lizard in the food is an afterthought and if such event had taken place the informant could have failed to mention it in the F.I.R.

5. Learned APP opposed this application. She submitted that, during pendency of anticipatory bail application before the Sessions Court, she was directed to attend the concerned police station, but she had not attended the concerned police station and did not co-operate with the investigation. She submitted that the allegations are serious. Learned APP points out that, certain amount has gone in the applicant's account from the informant's father's account.

6. I have considered these submissions. So far as, the F.I.R. is concerned, the main allegations are directed against the

informant's husband. There are some general allegations against the applicant. One specific allegation against the applicant is that, on one occasion the informant was slapped by the applicant and ornaments were removed from the person of the informant. So far as, removal of ornaments are concerned, the informant had not made any grievance from 02/08/2021 till registration of F.I.R. on 13/11/2021. The F.I.R. was lodged after she had received notice for divorce. Therefore, there is substance in the arguments of learned counsel of applicant that, as a counterblast to the notice of divorce, these allegations are made. So far as allegation of putting a lizard in the food is concerned, this important circumstance is not mentioned in the F.I.R. It is brought out by way of supplementary statement. The supplementary statement shows there are various improvements in her original story and many other accused are also included in that supplementary statement. The money transaction in the account of the applicant mentioned by learned APP pertains to the period before marriage. There is no reference to the purpose of such transaction mentioned in the F.I.R. At this stage, there is scope to believe that there is deliberate

improvement in the original story. In this background, the applicant deserves to be granted protection of anticipatory bail. However, she is directed to co-operate with the investigation. If she does not co-operate with the investigation, the State is at liberty to apply for cancellation of this order.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.1088 of 2021 registered at Virar Police Station, the applicant is directed to be released on bail on her furnishing P. R. 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)