

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

ANTICIPATORY BAIL APPLICATION NO.477 OF 2022

Ashish Pradeep Jaiswal Applicant
Versus
The State of Maharashtra Respondent

Mr. Satyam R. Dubey, Advocate for the Applicant.
Smt. Rutuja Ambekar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th FEBRUARY, 2022

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.313/2021 dated 29.11.2021 registered at Rabale MIDC Police Station, Navi Mumbai under Sections 498-A, 406, 323, 504 of the Indian Penal Code.

2. Heard Shri Satyam Dubey, learned counsel for the applicant and Smt. Rutuja Ambekar, learned APP for the State.

3. The FIR is lodged by the applicant's wife. She has stated that she got married with the applicant on 31.1.2019. At the time of marriage, her father had given ornaments and

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2022.02.28
12:03:28 +0530

other articles as *Stridhan*. Her case is that the applicant and his mother took away that *Stridhan* and kept them with themselves. After the marriage, she started residing with the applicant and his parents. The applicant's sister used to visit him frequently. There are allegations that the informant was doing a job and the salary was taken away by the applicant's mother at his instance. Whenever the informant needed money, she had to take money from her mother-in-law. There are allegations that there used to be quarrels but the applicant never supported the informant and instead he used to beat her. There are allegations that the applicant used to suspect her character and used to beat her. The FIR also alleges that she became pregnant but the applicant asked her to get a two wheeler and Rs.5 Lakhs. If it was not given, he told her to abort the pregnancy. It is her case that he beat her. After 2-3 days, she went to the hospital. There she came to know that because of the bleeding she had suffered abortion. Even at that time the applicant and his mother did not seriously look after her. After discharge, she went back to her matrimonial

house but again she was made to do all the household work. Finally she came back to her parent's house on 17.7.2019 and since then she was residing with her parents. It is her case that her parents tried to contact the applicant and she also sent Advocate's Notice but the applicant did not respond and finally she lodged this FIR. Her case is that her *Stridhan* of about Rs.16 Lakhs was misappropriated by the applicant and his family.

4. Learned counsel for the applicant invited my attention to the history of complaints. He submitted that the informant's Advocate had sent a notice to the applicant on 4.10.2021 on behalf of the informant. In that notice, there is no reference that the informant was beaten by the applicant.

5. Learned counsel for the applicant submitted that his Advocate had threatened the applicant's sister and, therefore, she had lodged her own FIR against that Advocate on 7.10.2021 being C.R. No.707/2021 at Samata Nagar police station. He submitted that as a counter blast to the FIR against her advocate, the informant has lodged this FIR on

29.11.2021. She had also initiated proceedings under the Protection of Women from Domestic Violence Act on 29.10.2021.

6. Learned APP opposed this application based on the contents of the FIR. She submitted that the *Stridhan* is still retained by the applicant. There are allegations which make out a case under Section 498-A of IPC as well. Therefore, anticipatory bail should not be granted to the applicant.

7. I have considered these submissions. The FIR itself mentions that the informant is residing separately from 17.7.2019 and the FIR is lodged after more than two years on 29.11.2021. In between there were no complaints made by her to any of the authorities. The delay is inordinate and has remained unexplained. The allegations about the miscarriage caused by beating is not supported by her own notice given to the applicant. Therefore, there is a possibility that the allegations are exaggerated. However, at this stage, it is not possible to make any further observations on the truthfulness of the FIR. However, no specific instances have been given

and no immediate record is available in respect of those harassments. In this view of the matter, custodial interrogation of the applicant cannot be justified. He can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.313/2021 registered with Rabale MIDC 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.

(SARANG V. KOTWAL, J.)