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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.564 OF 2022**

Sachin Sitaram Surve & Ors. .. Applicants

Versus

The State of Maharashtra .. Respondent

...

Mr.Ganesh Bhujbal for the Applicant.

Mr.P.H.Gaikwad, A.P.P. for the State/Respondent.

...

**CORAM: BHARATI DANGRE, J.**

**DATED : 02<sup>nd</sup> MARCH, 2022**

**P.C:-**

1. Heard the learned counsel for the applicants and the learned APP.

2. The applicants, who are the husband and in-laws of the complainant, are apprehending their arrest in connection with C.R.No.93 of 2021 registered with Naupada Police Station, Mumbai at the instance of the complainant/wife.

3. Perusal of the complainant would reveal that the marriage of the complainant was solemnized with applicant No.1 on 26/04/2019. The complainant averred that during the marriage, her father had expended a sum of more than

Rs.8,00,000/- and also gifted her gold jewellery. The allegation is, immediately after the marriage, the mother-in-law took the gold ornaments in her possession. The complaint would refer to trivial discord between the husband and wife and the complainant alleged that she left the house of the husband on 03/07/2021. The complainant alleged that she had sent a notice for restitution to the husband, but the husband did not respond to the same. The learned counsel for the applicants submitted that applicant No.1 had instituted the divorce proceedings on 13/10/2021 and as an after thought, the present FIR is lodged on 30/12/2021.

4. The complaint is a reflection of a quibble between the husband and wife and *prima facie*, it does not makes out a case under Section 498-A where the demand is made by the husband or his relatives for dowry nor clause (a) of the explanation appended to Section 498-A is attracted on a bare reading of the allegations.

In the wake of the above, custodial interrogation of the applicants is not necessary and, particularly when the allegations levelled against applicant Nos.2 and 3 i.e. the complainant's in-laws, by no means attract the provision of cruelty under Section 498-A. Hence, the following order.

: **ORDER** :

- (a) The application is allowed.
- (b) In the event of arrest in C.R.No.93 of 2021 registered with Naupada Police Station, Mumbai, applicant No.1-Sachin Sitaram Surve, applicant No.2-

Sitaram Narayan Surve and applicant No.3-Sarita Sitaram Surve shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/-each, with one or two sureties of the like amount.

(c) The applicants shall report to the concerned police station on every Tuesday and Friday between 10.00 a.m. to 2.00 p.m. for a period of two weeks and, thereafter, as and when called for.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

**( SMT. BHARATI DANGRE, J.)**