

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.572 OF 2022**

Geeta Umashankar Gupta & Anr. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

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Advocate O.R.Tiwari for the Applicant.

Mr.M.G.Patil, A.P.P. for the State/Respondent No.1.

Mr.Prathamesh Gaikwad for the Complainant/Respondent No.2.

PSI Bhagwan Madhukar Patil attached to Navghar Police Station, Bhayander (East), Thane present.

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CORAM: BHARATI DANGRE, J.

DATED : 07th MARCH, 2022

P.C:-

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

Perused the FIR which invoke Sections 498A, 406, 315, 377, 354, 323, 504, 506 read with Section 34 of the IPC against the five accused persons at the instance of the complainant, who is the wife of one Anand Umashankar Gupta.

The present two applicants are mother-in-law and sister-in-law of the complainant. It is informed that the husband i.e. accused No.1 is conferred with protection from arrest, by this

Court whereas father-in-law (accused No.3) and brother-in-law (accused No.5) are granted protection from arrest by the trial Court.

2. Perusal of the FIR which in great detail narrates the relationship of the complainant with the accused persons, on her marriage being solemnized with accused No.1 on 27/01/2014, refers to certain allegations being levelled against the husband as well as the in-laws, including the present applicants. As far as the mother-in-law is concerned, it is alleged that she took possession of all the ornaments given to the complainant at the time of her marriage and despite repeated demands, she refused to put them in possession of the complainant.

An incident of the year 2015 is referred to without any specific date and time, when it is alleged that the mother-in-law used to pretend that she is possessed by Goddess and she took gibe at her and smashed her.

3. The entire complaint refers to stray incidents of the year 2015, which are no more than a quibble in a family.

The allegation is that she was subjected to physical and mental cruelty at the instance of all the accused persons, but since she was apprehensive that if she reports the matter to the police, she would have to leave the house permanently, she did not lodge a complaint. It is averred that after the incident of 2016, for two and half years she was residing in her matrimonial house.

Vague allegations are also made against the husband and the mother-in-law for making a demand of Rs.5,00,000/-.

An allegation is also made about the miscarriage at the instance of the mother-in-law in November, 2019. The complaint also contains a reference to an incident dated 08/11/2019 when she felt pain in her stomach and the sonography was performed and since on 07/11/2019, she was beaten, a miscarriage took place. The incident dated 07/11/2019 is referred to in great detail by stating that her mother-in-law assaulted her on her stomach, back and accused her that the child in her womb do not belong to her son. The allegation is, the mother-in-law and the brother-in-law assaulted her on 07/11/2019.

4. The learned counsel for the applicants has placed on record the report of the sonography dated 29/11/2019 and it revealed gestation of five weeks and three days. The learned counsel submits that the accusation faced by the applicants are completely false and assuming for the sake that there is some substance in the said allegation, applicant No.1 was not aware that the complainant was conceiving.

5. The allegations in the FIR are spread over for a period commencing from February 2015 to 05/12/2019 and the complaint is lodged on 03/11/2021. The explanation that the relationship would be strained if she approach the police station do not justify the delay and lack of promptness, in explaining the delay in lodging the FIR.

In any case, the complainant has gathered courage to lodge the FIR by approaching the police station on 03/11/2021 and the applicants will have to face the consequences and meet the allegations at the time, when they face the trial. However, in the wake of the delay in approaching the police station and without any details about the date and time when the incidents have occurred, the custodial interrogation of the applicants is not necessary.

6. The learned counsel for the complainant, in presence of the complainant, submit that she was subjected to harassment for dowry and was assaulted by applicant No.1.

In any case, there are no specific allegations against applicant No.2. In the wake of the above, the following order would meet the end of justice.

: ORDER :

- (a) The application is allowed.
- (b) In the event of arrest in C.R.No.758 of 2021 registered with Navghar Police Station, applicant No.1- Smt.Geeta Umashankar Gupta and applicant No.2- Smt.Kiran Manoj Gupta shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each, with one or two sureties in the like amount.
- (c) The applicants shall report to the concerned police station on Wednesday and Saturday between 3.00 p.m. to 5.00 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.)