

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.604 OF 2022**

Amandeep Jagjit Singh Manaktalal] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

...

Mr. Vibhav V. Ugle for the applicant.

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

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 09TH MARCH, 2022.

P.C. :-

1. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant, who is the husband of the complainant is apprehending his arrest in C.R. No.0049 of 2022 registered with Charcop Police Station on 04/02/2022.

3. Perusal of the complaint lodged by the complainant would

disclose that, for the last one year, she is residing in her parental house and working as a teacher.

She narrates about her marriage being solemnized with the applicant in the year 2018, when they were introduced to each other on a website shadi.com. After marriage, she started residing with the applicant and his family members, which include her mother-in-law and father-in-law.

The longish FIR sets out the woes of the complainant, when she states that her husband started demanding that her jewellery be handed over to him for being mortgaged. When she objected to it, she was subjected to mental harassment. The complaint specifically states that her *streedhan* was the cause for the harassment and the entire family of the applicant used to indulge with her and abuse her on account of the issue of jewellery. At times, they also threatened her to leave the house, if she is not ready to part with the jewellery.

4. Time and again the demand was raised about the money and jewellery. However, in order to save her marriage, she suffered the harassment, in her version.

She refers to an incident dated 14/02/2020, when the applicant assaulted her in the presence of her father-in-law and mother-in-law and when she sought help from them, they refused to intervene and directed her that she should handover the jewellery to the applicant. When she refused to do so, she was again assaulted. This resulted in injuries being suffered by her and

she was driven out of the house. The aforesaid incident prompted her to approach the police station and an NC came to be registered and it was assured by the applicant and his parents that she will not be harassed any more and, therefore, she continued to reside in her matrimonial house.

However, the allegation is that there is no improvement in the behaviour of the husband and time and again, she used to be battered for the jewellery and the applicant was in the habit of using her credit card and as and when the bill was received, he used to indulge in quarrel.

The complainant narrates another incident dated 22/11/2020 when she was driven out of the matrimonial house by abusing her and on being thrashed by fist and blows.

On this occasion also, she sought help from the police by dialling “100” and approached Kalamboli Police Station, upon which, the police warned the applicant not to indulge in such activities. Apprehending threat to her life, she left her matrimonial house and started staying in her parental house.

5. Perusal of the complaint would reveal that a young married girl was subjected to harassment, both mental and physical at the instance of the applicant and, this resulted into registration of FIR and invocation of Section 498-A of the IPC.

6. Learned counsel for the applicant would vehemently argue that invocation of Section 498-A of the IPC is not at all warranted

in the present case.

7. In order to attract Section 498-A of the IPC, cruelty in the form of torture or harassment of a woman with the objective of forcing her to meet a demand for property or valuable security is to be made out. The act of subjecting a woman to cruelty by her husband or his relatives is made punishable with imprisonment for a term which may extend to three years and is also be liable to fine.

The term ‘cruelty’ for the purpose of the said section includes harassment of a women, where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or ‘valuable security’ or is on account of failure by her or any person related to her to meet such demand.

The narration of the events in the complaint clearly makes out case under Section 498-A of the IPC.

8. The submission of the learned counsel for the applicant that his custodial interrogation is not necessary, is not acceptable.

A reading of the complaint would reveal that the complainant was subjected to physical violence and emotional abuse on several occasions and on two such instances, she was required to approach the police station. Further, fearing for her life, she has left her matrimonial house since last one year and is residing in her parental house.

Dowry is considered as a major contributor towards obsessed violence against women in India, despite several laws being brought into force. Some of the offences include physical and emotional abuse domestic violence, etc. The tendency of such type, in harassing the women for jewellery and money needs to be dealt with stern hand. In the circumstance, by reading of the complaint, the offence under Section 498-A of the IPC is prima facie made out and the said offence is non bailable. The custodial interrogation is very much warranted. The application is dismissed.

[SMT. BHARATI DANGRE, J.]