

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

ANTICIPATORY BAIL APPLICATION NO. 923 OF 2022

Bharat Vijay Mandal

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Viral Rathod a/w. Ms. Saima Sothe for the Applicant.
Mrs. Sharmila Kaushik, APP for the State.
API Nalawade from Arnala Police Station present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 6th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.405 of 2021 registered at Arnala Sagari Police Station, Virar for offences under Section 420 r/w. 34 of Indian Penal Code and Section 3 of Dowry Prohibition Act, 1961.
2. The aforesaid crime was registered pursuant to the first information report lodged by Ramnihor Ramu Mandal. The gist of the FIR is that the daughter of the Complainant was to marry the Applicant. The marriage was scheduled on 7.12.2020. The Complainant has alleged that the Applicant and his family members had demanded total sum of Rs.12,61,000/- , which included marriage expenses. He has stated that he had transferred Rs.5,61,000/- in the account of Mr. Lalit Kumar Singh, the friend of the Applicant herein, and the balance amount of Rs. 6,50,000/- was paid in cash. The Complainant has stated that the

Applicant and his family members had demanded additional amount of Rs.10 lakhs and had threatened that they will cancel the marriage in case he fails to meet the demand.

3. The daughter of the Complainant went missing one day prior to the marriage. She was traced at Dadar on 7.12.2020. The Applicant thereafter refused to marry the daughter of the Complainant. The Complainant has stated that his daughter has married one Ashok Mandal. It is the contention of the Complainant that the Applicant refused to return the money, and hence he has filed the case for cheating.

4. The alleged incident is of 7.12.2020. The First Information Report is lodged on 18.12.2021. There is considerable delay in lodging the FIR. It is also pertinent to note that in the course of hearing, learned Counsel for the Applicant, under instructions, has made a statement that the Applicant is ready to return the amount of Rs.5,61,000/-, which was allegedly transferred in the account of Lalit Kumar Singh.

5. In the light of the said statement, and also considering the nature of the accusations, the Applicant is entitled for pre-arrest bail. Hence the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No.405 of 2021 registered at Arnala Sagari Police Station, Virar, the Applicant be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like

amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall deposit before this Court an amount of Rs.1,00,000/- within a week, and the balance amount of Rs.4,61,000/- within three weeks thereafter, and produce the deposit receipts before the Investigating Officer;

(iii) The Applicant shall report to the Investigating Officer on 11th and 12th April, 2022 between 11.00 a.m. to 2.00 p.m., and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR
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signed by
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(ANUJA PRABHUDESSAI, J.)