

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

ANTICIPATORY BAIL APPLICATION NO.1827 OF 2021

1. Aditya Bharatsingh Nanawati,
2. Bharatsingh Nanawati, &
3. Snehlata Bharatsingh Nanawati. Applicants
Versus
The State of Maharashtra Respondent

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WITH
INTERIM APPLICATION NO.2877 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.1827 OF 2021

Mr. Omar Khaiyam Shaikh, Advocate a/w. Priyanka Shukla,
for the Applicants.
Mr. P.H. Gaikwad, APP for the Respondent-State.
Mr. Mohan Pillai, Advocate i/b. Mrinal Mohan Pillai, for the
Intervener.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th FEBRUARY, 2022

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R.No.77/2020 dated 16.3.2020 registered at Taloja police station, Navi Mumbai under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Applicant No.1 is the husband of the informant. The other two applicants are parents of applicant No.1, i.e. applicant No.2 is his father and applicant No.3 is his mother.

3. Heard Mr. Omar Khaiyam Shaikh, learned counsel for the applicants, Mr. P.H. Gaikwad, learned APP for the State and Mr. Mohan Pillai, learned counsel for the Intervener.

4. Vide order dated 12.8.2020 the matter was sent for mediation by this Court (Coram: Bharati Dangre, J.). Accordingly, the Mediator's report is received. It was observed in the report that after initial meetings the parties did not attend any meeting though reminders were sent. There was no response from either of the parties and, therefore, the mediation process was closed. Considering this report, since the mediation was not possible I am deciding the matter on merits.

5. The FIR is lodged by the informant on 16.3.2020. She has stated that she was a divorcee. She was interested in getting married. She had registered herself on a Whatsapp

group. The applicant No.1's family approached her. There was some preliminary discussion. The applicant's family demanded money instead of clothes. The informant had told applicant No.1 that she had a house loan and a loan on her two-wheeler and for paying the installments she needed to work. However, the applicant No.1 told her that he was against her working after the marriage and that he would pay the installments of those loans. In the meeting dated 13.5.2019, the applicant No.2 & 3 demanded Rs.1 Lakh and further amount for their relatives. The informant's brother had complied with that demand. On 14.5.2019 the informant got married with applicant No.1 and started residing at Bhilwada, Rajasthan at her matrimonial house. From the next day onwards, all the applicants started harassing and abusing her on the ground that less money was paid and sufficient amount was not spent on the marriage. On 21.5.2019, applicant No.3 demanded a two-wheeler from her. Applicant No.1 also supported applicant No.3 in that demand. There are allegations that on petty issues, all the applicants used to

abuse her and threaten her. In June, 2019, the informant reminded applicant No.1 of his promise to make the payments for installments but he told her that he would pay the installments only if the house was transferred in his name. The informant refused his proposal. Applicant No.1 tried to transfer the loan account to Bhilwada. In June, 2019 the informant had come to her parents house. Applicant No.1 followed her. In July, 2019 applicant No.1 demanded documents relating to the property, informant's passbook and ornaments. She refused and, therefore, applicant No.1 abused her. The informant's brother had given her ornaments and cash to applicant No.1. On 10.7.2019 the informant and applicant No.1 returned to Bhilwada. But there again all the applicants abused and harassed her on the ground that the documents related to her property, two-wheeler and passbook were not given by her and they were not given gifts. Applicant No.1 was continuously harassing her on these demands. Suddenly on 13.9.2019 applicant No.1 booked the informant's train-ticket for Mumbai. The informant refused to go to

Mumbai, but, he insisted that the informant's house be transferred in his name. The informant refused again. Applicant No.1 continued harassing her. Applicants No.1 & 2 had kept the ornaments of the informant and she was sent back. On this basis, the FIR is lodged.

6. Learned counsel for the applicants submitted that the allegations against the applicants are vague. They have not committed any offence. At this stage, their custodial interrogation will not serve any purpose. He submitted that applicant No.2 has undergone angioplasty procedure in August, 2021. And, therefore, on humanitarian ground he needs to be protected. To look after applicant No.2, even applicant No.3 needs to be protected on humanitarian grounds.

7. Learned counsel for the intervener as well as learned APP opposed this application. They relied on the contents of the FIR.

8. I have considered these submissions. Repeated demands were made for giving consent for transferring her

house in the name of applicant No.1. The ingredients of offence under Section 498-A of IPC are made out.

9. Applicant No.2 had lodged one complaint against the informant and the police in Rajasthan had given a report that it was a false case, as submitted by learned counsel for the intervener as well as by learned APP. It can be seen that the informant was continuously harassed for property and illegal demands. There is no doubt that the offence under Section 498-A of IPC is made out.

10. Looking at the continuous harassment caused by the applicants, on merits, they do not deserve any protection. However, only on humanitarian grounds since applicant No.2 is old and is a heart patient, he needs to be protected and applicant No.3 also can be protected so that she can look after him. On merits, applicant No.1 does not have any case for grant of protection of anticipatory bail.

11. Hence, the following order :

ORDER

- (i) The application for applicant No.1 is rejected.
- (ii) The application for applicants No.2 & 3 is allowed. In the event of applicants No.2 & 3's arrest in connection with C.R.No.77/2020 registered with Taloja police station, Navi Mumbai, the applicants No.2 and 3 are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.02.21
19:01:05 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)