

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

ANTICIPATORY BAIL APPLICATION NO. 3209 OF 2021

Jaisingh Sheshdhar Singh Applicant
Versus
The State of Maharashtra Respondent

Mr. Gaurav Bhawnani i/b. Khan Abdul Wahab for Applicant.
Mr. Makarand G. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 341 of 2021 registered at Wagle Estate Police Station, Thane, under sections 498A, 406 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Gaurav Bhawnani, learned counsel for the applicant and Shri. Makarand Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the applicant's wife. She has stated that, she got married with the applicant on 25/01/2019 and thereafter started residing

with the applicant's family consisting of his parents and sisters. At the time of marriage, informant's parents spent substantial amount and also paid Rs.5 Lakh by way of dowry. The F.I.R. mentions that, after marriage, informant's mother in law and sister in law started harassing her. They were demanding monetary benefits. There were three sisters of the applicant. They along with mother in law used to harass her.

4. The informant got pregnant. The F.I.R. specifically mentions that the applicant was happy because of her pregnancy, however, further it was alleged that her mother in law and sisters in law instigated the applicant and thereafter he started neglecting the informant. The F.I.R. specifically mentions illtreatment meted out to her by her sister in law Jyoti and mother in law. Her ornaments were taken by her. All the sisters in law told the informant that they did not want a child at this stage and they were demanding money from her father. The allegations against the applicant are that, he was unaware of the happenings during the day, but when he came back home, her mother in law and sisters in law used to instigate him, because of which, he used to

quarrel with the informant and used to beat her. The F.I.R. also mentions that, because of this neglect and harassment, she suffered abortion. There is one specific instance of 08/03/2021 when some quarrel took place regarding the ornaments taken by the informant's sister in law Jyoti without her permission. Applicant's family assaulted her. It is alleged that the applicant also beat her. The brother in law shot video of this beating. She was threatened that the video would be made viral . On the next day, the informant called her brother. She was taken to Rajawadi hospital. She lodged N.C. complaint No.438 of 2020 with Nehru Nagar police station and went back to reside with her parents. On these allegations the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that, all other family members of the applicant are granted anticipatory bail. The main allegations are directed against the applicant's parents. Attempts were made for mediation; which have failed and thereafter this F.I.R. was lodged. The applicant's custodial interrogation is not necessary.

6. Learned APP opposed this application and emphasized

on the incident dated 08/03/2021. He also submitted that, because of continuous neglect by the applicant, the informant suffered harassment.

7. I have considered these submissions. From the F.I.R. itself it is very clear that, main allegations of cruelty are directed against the mother in law and sisters in law of the informant. They used to demand money from informant's parents. In that regard, there are hardly any allegations against the applicant. The main allegation against him is that, he neglected to look after the informant and because of that she suffered harassment.

8. The other serious allegation is that, on 08/03/2021 the applicant beat her on the instigation of his family members. So far as, the incident dated 08/03/2021 is concerned, the informant has stated that her brother in law shot video of that incident and threatened the informant that it would be made viral. This is rather difficult to believe because the accused would not create evidence against themselves. So far as allegations of neglect are concerned, effect of such neglect will have to be tested during trial and for that purpose custodial interrogation of the applicant is not

necessary. Other accused are already granted anticipatory bail by the sessions court. They had played major role. Therefore, the applicant also deserves protection of anticipatory bail order.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 341 of 2021 registered at Wagle Estate Police Station, Thane, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)