

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

**ANTICIPATORY BAIL APPLICATION NO.2614 OF 2018**

1. Suraj Mewalal Sharma  
2. Rama Mewalal Sharma  
3. Vishal Mewalal Sharm

...Applicants

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Prithviraj S. Gole for the Applicants.

Ms Rutuja Ambekar, APP for Respondent No.1-State.

Mr. Vijay Maladkar, PSI, Dahisar police station, present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 5<sup>th</sup> APRIL, 2022.**

**P.C.:-**

1. At the outset, learned counsel for the Applicant states that during the pendency of this application, the Applicant No.3 has expired. He seeks leave to delete his name. Leave is granted. Cause title be amended forthwith.

2. This is an application under Section 438 of the Cr.P.C. filed by the Applicants apprehending their arrest in C.R. No.373 of 2018 registered with Dahisar police Station for offences punishable under

Sections 323, 406, 498-A, 504 and 506 r/w 34 of the IPC.

3. The aforesaid crime was registered pursuant to the FIR lodged by Disha Sharma, wife of the Applicant No.1. Marriage of the Complainant and Applicant No.1 was solemnised on 05/05/2011. The Complainant has stated that at the time of her marriage, her parents had given her gold and silver jewelry and other valuable items. She claims that she was subjected to cruelty as her father was unable to give dowry of Rs.5,60,000/-. She has stated that the Applicant No.1 had slapped and kicked her and that his family members had also subjected her to cruelty.

4. The material on record indicates that there was marital discord between the Applicant No.1 and the Complainant and she had left the matrimonial house on 22/05/2017. The Applicant No.1 had filed a petition for divorce in the year 2017. It was only after filing of this petition that the Complainant filed a complaint against Applicant No.1 and his family members alleging demand of dowry and cruelty. The complaint prima facie appears to be a counter blast to the divorce petition filed by the Applicant No.1

5. Considering all these aspects this Court had granted interim bail to the Applicants vide order dated 21/12/2018. Learned APP states

that the Applicants have reported to the Investigating Officer and that they have been duly interrogated. She further submits that investigation is completed and charge sheet will be filed within a period of two weeks. She states that presence of the Applicants is not required for the purpose of investigation and interrogation.

6. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in C.R. No.373 of 2018 registered with Dahisar police Station, the Applicants shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two solvent sureties each to the like amount.

(ii) The Applicants to report to the Investigating Officer as and when required by the Investigating Officer.

iii) The Applicants shall keep the Investigating Officer informed of their permanent addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**