

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1773 OF 2023
WITH APPLN/4259/2023 IN ABA/1773/2023

VANDANA ASHOK KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr. R. V. Gore, Advocate for the applicants
Mr. N. B. Patil, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 30th NOVEMBER , 2023

P.C. :-

1. It is often seen that the provision of Section 498A of IPC is abused. This is one of such examples which shows as to how a estranged wife can implicate the relatives of the husband by making apparently false allegation against them.

2. The first informant got married with Ravikumar on 4th May, 2022. She claims that after the marriage they started cohabitation at Pune wherein her husband and parents-in-law were residing along with her. It is claimed in the first information report that in June, the husband and in-laws started demanding Rs.5 lakhs from her for establishing the shop for the husband of sister-in-law of the informant. There is also allegation that husband as well as other relatives of the husband have mislead informant and her parents that her husband Ravikumar is employed with ITC Pune and he is also a partner in another company. There is also

allegation that the informant was harassed by the in-laws on the ground that she is unable to cook properly nor is able to do the household work.

3. Learned counsel for the applicants submits that the husband is not before this Court seeking any relief and as far as per the other applicants are concerned, they have no concern with the allegations made against the husband of claiming that he is employed with ITC company or that he is partner in another company. It is submitted that this is a case of false implication.

4. Learned counsel for the informant opposed the application by contending that the applicants who are relatives of the husband are also involved in misleading the informant and her family members with regard to the employment of her husband. It is submitted that for the establishment of the shop for the husband of sister-in-law they used to make demand of Rs.5 lakhs and for not meeting the same she was harassed. It is submitted that all of them are residing in the same vicinity and as such grant of anticipatory bail will lead to pressurizing the informant and witnesses.

5. Learned APP also opposed the application by essentially relying upon the statement of the informant and witnesses.

6. Informant has claimed that immediately after a month of the marriage there was demand of Rs.5 lakhs for the establishment of the

shop for the husband of her sister-in-law. There is however no complaint made in this regard till lodging of the present report. The informant has placed reliance on the complaint addressed to PI, Newasa Police Station. Perusal of the said complaint does not make any whisper about any demand of dowry being made by the applicants or even by husband. Thus, *prima facie* it is clear that the allegation in respect of the demand dowry is an after thought. This Court therefore finds substance in the contention of learned counsel for applicants that lodging of report is to rope and cause harassment to the relatives of husband.

7. As regards the alleged misrepresentation by the husband of claiming himself to be an employee of a particular company is concerned, this Court is unable to accept the submissions of learned counsel for the informant the relatives of the husband are also responsible for the same. If such contention is accepted then in almost each case close relatives of any offender, whether they have concern with crime or not would be booked. Prima facie allegations against the applicants are not found genuine. Hence, it is a fit case for grant of anticipatory bail. Hence, the application is allowed in terms of interim order dated 23rd October, 2023. Pending application, if any, stands disposed of.

(R. M. JOSHI, J.)

ssp