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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1194 OF 2023**

1. Kamladevi Babudas Vaishav	...
2. Babudas Ratandas Vaishnav	...Applicants
vs.	
State of Maharashtra	...Respondent

Mr. Hemant Ingle with Dhiraj Oza i/b Pratik P. Ingle for the Applicants.

Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 3RD MAY 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. The Applicants apprehend arrest in connection with C.R. No.138 of 2023, registered on 4th March 2023, with Achole police station. Their daughter-in-law-Bhagyashri Vaishnav has lodged complaint and it is registered under sections 377, 354, 498-A, 504, 506 read with 34 of IPC. The duration of offence is from 16th November 2015 upto 24th July 2021, and the FIR is lodged 2 years thereafter.

3. I have perused the allegations in the FIR. The applicants are

in-laws of the first informant. Their son Hitendra Vaishnav married with the first informant on 16th November 2016 and the first informant cohabited with all accused till 24th July 2021. There are allegations against these Applicants that they used to taunt the first informant and always they used to express their displeasure of not giving particular articles by his Maternal Uncle and Paternal Uncle. She was also taunted for not preparing food. There is one instance of pouring hot water by mother-in-law. Against the father-in-law along with husband there is allegation that they have kept all her articles in the locker of Corporation bank, Vasai (West). There is one instance quoted in the FIR when Applicant No.2 has touched back portion of body of the first informant.

4. Learned Additional Sessions Judge has rejected the Application for the reason that the Applicants have not complied with notice issued as per the provisions of section 41-A of the Code of Criminal Procedure. That is how the grounds agitated for anticipatory bail were not decided by the Sessions Court.

5. Learned APP opposed the anticipatory bail on the ground that there are specific allegations against these Applicants.

6. As against this learned Advocate for the applicants relied upon

the following documents :

- (i) Copy of notice issued by the first informant to her husband dated 26th January 2023 wherein she demanded return of stridhan articles and she has expressed desire to resume cohabitation.
- (ii) Copy of the complaint filed by the mother-in-law against harassment by the first informant and her relatives. It is on page 46 made to Pali police station, Rajasthan.

7. It is true that there is no allegation for committing offence under section 377 of IPC against these Applicants. It is also true that the matrimonial cohabitation was from 2016 upto 2021. During this period the first informant never mentioned that she has made any complaint to her relatives. Furthermore, even after leaving the house on 24th July 2021, this complaint is filed after period of almost two years on 4th March 2023. Furthermore, there is seizure of golden and silver articles from the husband and it is reflected in column No.10 of the Remand report dated 5th April 2023, addressed to the Judicial Magistrate, First Class, Vasai Court. It is at page 80.

8. Considering the facts disclosed above, the Applicants are entitled to be released on anticipatory bail and hence, the following

order is passed :

O R D E R

- (a) In the event of arrest, Applicant No.1-Kamladevi Babudas Vaishnav and Applicant No.2-Babudas Ratandas Vaishnav be released on bail on furnishing personal bond and surety bond of Rs.25,000/- each in C.R. No.138 of 2023, registered with Achole police station for the offences punishable under sections 377, 354, 498-A, 504, 506 read with 34 of IPC.
 - (b) The Applicants shall not threaten the prosecution witnesses or allure them in any manner.
 - (c) The Applicants shall co-operate with police as and when called.
 - (d) Needless to say, violating of the condition above will make the Applicants liable for cancellation of anticipatory bail, after notice to the Applicant.
9. Application is disposed of accordingly.
10. These are my prima facie observations and the trial Court may not be influenced by that.
11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]