

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1808 OF 2023

Aananda Dnyanu Surle & Ors. ... Applicants
V/s.
The State of Maharashtra ... Respondent

Mr. S.R. Gaud for the applicants.

Ms. Rutuja Ambekar, APP for the respondent/State.

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CORAM : AMIT BORKAR, J.

DATED : JULY 7, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.90 of 2023 registered with Shirala Police Station, Sangli for offences punishable under sections 498(A), 323, 504, 506 read with section 34 of the Indian Penal Code, 1860, the applicants are seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, on 10th May 2023, Nirmala Aananda Surle lodged a complaint to the police station. She alleged that in the year 2017, her marriage was performed with Aananda Surle. She is having two daughters from their wedlock. Since beginning accused were harassing her on account of handsome dowry and golden ornaments at the time of marriage. She further alleged that her husband was working at Mumbai. She was residing with her husband in rented room. At that time

accused No.3 Yuvraj Surle demanded Rs.5,00,000/- for purchase of the house. Informant denied to demand the amount from her parents. Hence, accused abused and assaulted her. Thereafter, her parents paid Rs.40,000/- to them. After 15 days of payment they again started to harass her.

The informant further alleged that in the month of July 2022, after the death of her father-in-law, they came to Shirala for residence. At that time her sister in law tease her on account of not giving the golden ornaments in the marriage. In the month of April 2011, her mother-in-law Vijaya abused by suspecting her character. Thereafter, her husband abused and assaulted her.

The informant further alleged that thereafter her husband made a phone call to her brother and sent the informant with him. Her husband demanded the amount to her if she wants to cohabit with him. On the basis of her report, police has registered the crime against the applicants/accused.

3. The applicant, therefore, approached the learned Sessions Judge by an application under section 438 of the Criminal Procedure Code, 1973, which is rejected by order dated 1st June 2023.

4. On perusal of the report, it appears that the allegations against the applicants are of mental and physical harassment. There is no allegation of assault which cause injury. Considering the material on record and allegations in the report, the applicants have made out a case for grant of relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

- a) In the event of arrest of the applicants in connection with C.R. No.90 of 2023 registered with Shirala Police Station, Sangli for offences punishable under sections 498(A), 323, 504, 506 read with section 34 of the Indian Penal Code, 1860, they be released on bail on furnishing PR Bond in the sum of Rs.25,000/- each along with one or two sureties in the like amount;
 - b) The applicants shall remain present before the investigating officer on 10th, 12th and 14th July 2023 between 11:00 a.m. to 02:00 p.m and, thereafter, as and when called by the investigating officer;
 - c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - e) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
5. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)