

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

ANTICIPATORY BAIL APPLICATION NO. 3139 OF 2023

Ramesh Narayan Gavli

...Applicant

Vs.

The State of Maharashtra

...Respondents

Mr. Ankit Bangera with Tanveer Patel, for Applicant.

Mr. M. G. Patil, APP for State.

Mr. A. A. Patil, IO, WPC Neral Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATE:- 4th NOVEMBER, 2023.

PC:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 285 of 2023, registered with Neral Police Station, for an offence punishable under Section 498-A of Indian Penal Code, 1860 ("the Penal Code").

3) The first informant is the wife of the applicant. Their marriage was solemnised on 24th April, 2021. In the month of June, 2021, the applicant allegedly induced the first informant to give an amount of Rs.2,00,000/- and gold ornaments of the first informant and her mother by falsely representing that the applicant would secure employment for the first informant. The applicant had dishonestly sold of those gold ornaments. The applicant allegedly, thereafter, continued to harass the first informant and coerced her to meet further unlawful demands of property. Fed up with the ill-treatment, the first informant left the matrimonial home. When the applicant and her father-in-law – Narayan Gavali, accused No. 2 came to fetch her, the first informant refused to accompany them till the applicant and his relatives changed their behaviour. Thereupon, the applicant allegedly threatened to kill the first informant. Hence, the report.

4) The learned Counsel for the applicant submitted that the learned Additional Sessions Judge exercised discretion in favour of the parents of the applicant. However, the applicant's prayer was rejected on the ground that the ornaments were not recovered. It was submitted that the relief of pre-arrest bail can not be denied on the ground that the ornaments are yet to be recovered.

5) The learned APP submitted that the allegations in the FIR indicate that the applicant had made false representation and thereby induced the first informant and her parents to part with the ornaments, which were eventually sold.

6) Evidently, the genesis of the alleged offences is in the matrimonial dispute between the applicant and the first informant. Even if, the allegations in the FIR are taken at par to facilitate further investigation, custodial interrogation of the applicant does not seem to be warranted. Even if, for the purpose of the recovery of the ornaments, custodial interrogation of the applicant does not seem to be warranted as it is alleged in the FIR that the applicant had already sold the ornaments.

7) In this view of the matter, the application deserves to be allowed.

8) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 285 of 2023, registered with Neral Police Station, for an offence punishable under Section 498-A of Indian Penal Code, 1860, the applicant be released on bail

on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

III) The applicant shall co-operate with the investigation and attend Neral police station on 9th and 10th November, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by the Investigating Officer.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]