



Diksha Rane

24. ABA 313-23.doc

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

ANTICIPATORY BAIL APPLICATION NO.313/2023

VISHNU DAYAL GIRI	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

**WITH
INTERIM APPLICATION NO.3707/2023
IN
ANTICIPATORY BAIL APPLICATION NO.313/2023**

MANISHA VISHNU GIRI	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Jyotiram S. Yadav for the applicant.
Smt. Megha Bajoria, APP for the State.
Adv. Anchal Singh a/w. Adv. Ravi Prakash Jadhav for the
complainant/intervener.

CORAM : M. S. KARNIK, J.

DATE : APRIL 2, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. This application for pre-arrest bail is opposed by learned APP for the State and learned counsel for the complainant.
3. The complainant is the wife of the applicant. The First

Information Report (FIR) is filed by the complainant on 27/12/2022 under Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code, 1860.

4. The marriage of the applicant and the complainant was solemnized on 7/12/2020. It is alleged that after marriage, the applicant and the in-laws of the complainant started ill-treating and harassing her mentally as well as physically. It is submitted that a sum of Rs.11,21,000/- was paid from time to time to the in-laws towards dowry. It is further submitted that as she was being ill-treated, the complainant left the matrimonial home on 7/2/2022. In the complaint, it is stated that thereafter, the complainant tried to contact her in-laws. However, neither the applicant nor her in-laws responded. The complainant stated that the applicant informed her that she should not contact him. The complaint was therefore made by the complainant to the Women's Grievance Redressal Cell, Ulhasnagar on 25/10/2022. It is also the allegation that some gold ornaments which belongs to the complainant are retained by the applicant. Learned APP and learned counsel for the complainant submitted that the custodial interrogation of

the applicant is necessary to recover these gold ornaments and moreover, having regard to the nature of the serious allegations levelled against the applicant.

5. It is pertinent to note that the applicant had filed for divorce before the competent Court sometime in September 2022. The present FIR is filed thereafter. This Court by an order dated 1/2/2023 granted interim protection to the applicant. It was one of the contention of learned APP and learned counsel for the complainant that the applicant is not co-operating with the investigation. There was no response to the notice issued under Section 41-A of the Code of Criminal Procedure. This Court while granting interim protection to the applicant had directed him to attend the investigating officer on 4/2/2023 and 5/2/2023 and co-operate with the investigation. Learned counsel for the applicant submitted that the applicant attended the investigating officer. There is nothing on record to indicate that the applicant has not co-operated with the investigation. The applicant has joined the investigation. The charge-sheet is yet to be filed. In my opinion, the interim protection granted to the applicant can be

confirmed in the facts and circumstances of the present case as having regard to the nature of the allegations, the custodial interrogation of the applicant is not necessary. The applicant must, however, co-operate with the investigation.

6. In the event of arrest of the applicant- Vishnu Dayal Giri in connection with FIR No.0584/2022 dated 27/12/2022 registered with Central Police Station, Ulhasnagar, District Thane, the applicant shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

7. The applicant shall report to the concerned police station as and when called.

8. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

9. The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

10. The application is disposed of.

11. In view of the disposal of the anticipatory bail application, the interim application is also disposed of.

(M. S. KARNIK, J.)