

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

CR. ANTICIPATORY BAIL APPLICATION NO. 400 OF 2024

Arti Pandurang Gore & Anr ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. R. R. Mishra for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J

DATED : 12th FEBRUARY, 2024

P.C.:

1. The Applicants are seeking anticipatory bail in connection with C. R. No. 342 of 2023 registered at Kasarvadvali Police Station, dated 14/10/2023 u/s. 323, 406, 498-A, 504, 506 r/w. 34 of the Indian Penal Code.
2. Heard Mishra, learned counsel for the Applicant and Ms Dabholkar, learned APP for the Respondent-State.
3. Both the Applicants are senior citizens. They are parents of the informant's husband. The Applicant No. 1 is the mother-in-law and Applicant No. 2 is the father-in-law of the informant. The informant had stated that she was knowing the Applicant's family since many years as they were neighbors. From 2007, the informant and the Applicants' son were in love but the Applicants were not in favour of

their marriage. According to her, they wanted their son to marry in a rich family. Therefore, the Applicants' son and the informant had fixed their respective marriages with different persons. But they then decided to get married. Finally, they got married on 28/11/2017 at Thane. The informant's parents had given her ornaments during the marriage. The informant started residing with the Applicants and the husband's brother. It is alleged in the FIR that the informant was made to do all the household work. The Applicants used to taunt her on the financial condition of her parents. It is alleged that her husband ill-treated her at the behest of the Applicants. It is alleged that the Applicant No. 1 had kept the informant's stridhan with herself. There are allegations that the Applicant No. 2 insisted that she should pay rent of the house. She was not given any financial help. There are allegations against the Applicants' son about forcible physical relations. On one occasion at the instance of the Applicant No. 1 the informant's husband had assaulted her with rod. This had happened in March, 2018. In April 2018, the informant started staying separately from the husband but the Applicants and her husband apologized and she started residing with them in July, 2018. Again, the same ill-treatment started. The informant's husband went to USA. In July, 2019 the informant got fed up. The informant decided

to go ahead for divorce with mutual consent. Her husband had gone to USA on 11/01/2020. After that, the Applicants were not allowing her to stay with them. Therefore, she went back to reside with her parents. She stayed there between May, 2020 to May, 2022. 04/05/2022 was the date for informant's and her husband divorce by mutual consent in the Court. Before that, her husband told her that she should withdraw that case and they could give one more chance to their marriage. Her husband went back to USA on 27/05/2022. At that time, she was residing with the Applicants and her husband. But again, from July, 2022 she was not allowed to stay with them and she started residing separately. On 20/05/2023, the divorce proceedings were dismissed as the informant and others did not remain present in the Court. After that, this FIR is lodged.

4. Learned Counsel for the Applicant submitted that since May, 2022 the informant was residing separately. The present FIR is lodged on 14/10/2023 i.e. after more than one year and three months. It is clearly an afterthought to pressurize the Applicants. The allegations are not true. There are no specific instances of ill-treatment attributed to the Applicants. There are only vague and general allegations. After all these years, the custodial interrogation of the Applicants is not necessary.

5. Learned APP submitted that the Applicant No. 1's custodial interrogation is necessary to recover the informant's stridhan. She relied on the statements made in the FIR.

6. I have considered these submissions. From the FIR it clearly appears to be a matrimonial dispute between the informant and her husband i.e. the Applicant's son. There are only general allegations against the Applicants. It is her case that the Applicants were not happy because of their son's marriage with the informant. The FIR mentioned that intermittently the informant and the Applicants as well as informant's husband tried to settle the matter and had stayed together. However, it appears that they could not get along. The husband went to stay in the USA. The informant had even lodged a Petition for divorce by consent in 2019 itself. Even thereafter she intermittently stayed with the Applicants. All this goes on to show that it was a matrimonial dispute. In these circumstances, custodial interrogation of the Applicants will not serve any purpose. They can be protected u/s 438 of the Cr.P.C.

7. Hence, the following order:

ORDER

- (i) In the event of their arrest in connection C. R. No. 342 of 2023 registered at Kasarvadvali Police

Station till the next date, the Applicants be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.

- (i) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)