

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

ANTICIPATORY BAIL APPLICATION NO.772 OF 2024

1. Damodar Pujari, &
2. Avantika PujariApplicants
Versus
The State of Maharashtra & another Respondents

Mr. Gaurav Sinha, Advocate for the Applicants.
Mr. Avinash A. Naik, APP for the Respondent-State.
Mr. Chandak A.S., Advocate for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd APRIL, 2024

PC. :

1. This is an application for relaxation or modification of the conditions imposed in the order dated 22.2.2024 passed by the Sessions Court at Nashik in Anticipatory Bail Application No.178/2024.

2. The Applicants are the father-in-law and mother-in-law of the original first informant who had lodged her FIR on 17.11.2023 at Mumbai Naka police station, Nashik under Sections 377, 498-A, 504, 506, 323 of IPC.

3. Heard Mr. Gaurav Sinha, learned counsel for the Applicants, Mr. Avinash Naik, learned APP for the Respondent-State and Mr. Chandak A.S., learned counsel for the Respondent No.2.

4. The learned Additional Sessions Judge-5, Nashik vide the order dated 22.2.2024 granted anticipatory bail to both the Applicants. There were two important conditions imposed in clause Nos.4 & 5 of the said order. The condition was that the Applicants shall attend the police station on every Saturday from 10.00 a.m. to 12 noon till completion of investigation and shall cooperate with the investigation. The other condition was that they shall not leave the country without permission of the trial Court.

5. The Applicants have another son in U.S.A. who is getting married on 12.5.2024 and therefore they want to attend that wedding and help their other son in the wedding preparations. Their other son is the brother-in-law of the first informant.

6. The Applicants made another application before the same learned Judge for relaxation of those conditions. However, that application was rejected by the same learned Judge vide the order dated 7.3.2024.

7. In this background I have heard learned counsel for the Applicants, learned APP as well as learned counsel for the first informant.

8. I have perused the FIR. The FIR makes various allegations. Most of these allegations are against the informant's husband i.e. the Applicants' son. The allegations pertain to harassment caused to the informant and the ill-treatment meted out to her in U.S.A. The allegations against the present Applicants are restricted to the informant's ornaments which they had retained. In this background learned Additional Sessions Judge-5, Nashik had granted anticipatory bail to the Applicants.

9. Learned counsel for the Applicants submitted that the wedding of their son is a once in a lifetime event and, therefore, the Applicants may not be deprived of attending that

ceremony because of the troubled marriage of their other son. He submitted that the Applicants have no intention to evade the due process of law and they shall duly come back to India. They want to travel between the period 21.4.2024 to 1.6.2024. He further submitted that considering that there are hardly any allegations against the present Applicants, the conditions imposed on the Applicants are quite harsh.

10. Learned counsel for the informant submitted that the Applicants' son has taken the informant's daughter to U.S.A. and at present they are in U.S.A. for which the informant is taking the legal steps to get her custody. He submitted that the Applicant No.1 is given power of attorney by the Applicants' son which the Applicant No.1 is using to lodge various proceedings in different Courts to harass the informant. He, therefore, opposed grant of any relief in this application.

11. Learned APP supported the submissions of learned counsel for the informant. He submitted that the Applicants' custody is necessary to recover the gold ornaments.

12. I have considered these submissions. I have perused the FIR. The FIR makes only vague allegations against

the present Applicants. The only allegations against them are in respect of retaining the ornaments of the first informant. I am inclined to agree with the submissions of learned counsel for the Applicants that they cannot be held responsible for the acts committed by their son against the first informant. The wedding of their other son is indeed once in a lifetime event for them and they cannot be deprived of attending their son's wedding. To that extent, I am inclined to grant relief to the Applicants. Hence, the following order:

ORDER

- (i) The Applicants are permitted to travel to U.S.A. between the period of 21.4.2024 to 1.6.2024. The Applicants shall give details of their itinerary, contact details and contact numbers to the investigating officer before leaving India. After returning back to India, they shall inform the investigating officer about their return.
- (ii) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)