

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

ANTICIPATORY BAIL APPLICATION NO.1028 OF 2024

Dinesh Sopan Paikrao & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Amit A. Mane, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.210/2024, dated 09/02/2024, registered with Kapurbawdi Police Station, Thane City, under sections 323, 498-A, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Amit A. Mane, learned counsel for the Applicant and Mr. Nitin B. Patil, learned APP for the State.

3. The FIR is lodged by the Applicant No.1's wife. The

other two Applicants are his parents. The Applicant No.2 is his mother and the Applicant No.3 is his father.

4. The FIR mentions that the informant got married with the Applicant No.1 on 23/06/2023. There are allegations that the informant's family had paid dowry to the Applicants. After the marriage, the informant started residing with the Applicants' family. It is alleged that the Applicants and the other family members started insulting the informant by saying that she had brought nothing from her parents. As per the customs, the informant came to stay with her parents for a few days, but she was not taken back by the Applicant No.1. Therefore, her mother took her to the informant's matrimonial house. The Applicants were staying at Thane. But the Applicant No.2 was telling her not to stay at Thane and instead was asking her to go to Nanded. It is alleged that on 07/08/2023, the Applicant No.2 assaulted her and abused her. For that incident, the informant lodged NC No.975/2023 at Kapurbawdi police station. The informant went to reside with her mother and sister from July 2023 to January 2024. The Applicants or their family members did not make any

efforts to bring back the informant. Ultimately, on 05/01/2024, the informant came to her matrimonial house. It is alleged that on the next day, the brother-in-law and sister-in-law of the informant harassed her as she had returned to her matrimonial house. The Applicant No.2 beat her on 30/01/2024. The informant captured that incident in her mobile phone. She again went to the police station and lodged NC on 03/02/2024. After that, the police called both the parties for counselling. But the Applicants expressed that they did not want the informant to cohabit with the Applicant No.1. On this basis, the FIR is lodged.

5. Learned counsel for the Applicants submitted that the Applicant No.1 and the informant had contacted each other through a matrimonial site. Even before the wedding, the Applicants had transferred Rs.2 lakhs in the account of the informant on 01/05/2023. He produced the bank statement to that effect. It is taken on record and marked 'X' for identification. He submitted that on 05/01/2024, the informant had come back to her matrimonial house using the ticket booked by the present Applicant No.1. All the allegations are false and

on the basis of these vague allegations, the Applicants' custodial interrogation is not necessary. In my opinion, there is hardly any allegation against the Applicant Nos.1 and 3. As far as Applicant No.2 is concerned, there are already two NCs registered against her and no steps were taken to find out the truth in those cases by proper enquiry or investigation. In this view of the matter, custodial interrogation of the Applicants is not necessary.

6. Learned APP opposed these submissions by producing the investigation papers. He submitted that the offence u/s 498-A of IPC and that under the Dowry Prohibition Act are made out.

7. I have considered these submissions. Learned counsel for the Applicants has tendered a bank statement showing transfer of Rs.2 lakhs by the Applicants in the account of the informant, even prior to the marriage. Therefore, there appears to be some exaggeration in respect of demand of dowry. As far as allegations concerning section 498-A are concerned, there are two NCs registered by the informant only against Applicant No.2, for which no cognizable offence was registered. Therefore,

it appears that the allegations u/s 498-A are made as an afterthought. However, at this stage, no definite finding can be recorded in that behalf. There are hardly any allegations against the Applicant Nos.1 and 3. In this view of the matter, custodial interrogation of the Applicants is not necessary. They can be protected u/s 438 of Cr.P.C.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.210/2024, dated 09/02/2024, registered with Kapurbawdi Police Station, Thane City, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)