

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

ANTICIPATORY BAIL APPLICATION NO.1225 OF 2024

Namdeo Savleram Khandage & Anr. Applicants

versus

The State of Maharashtra Respondent

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- Mr. Chaitanya Mulawkar a/w Sumeet Tidke, Advocate for Applicant.
- Ms. Poonam P. Bhosale, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th MAY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.127/2024, dated 27/01/2024, registered with Kapurbavadi Police Station, Thane City, under sections 498-A, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Chaitanya Mulawkar, learned counsel for the Applicants and Ms. Poonam P. Bhosale, learned APP for the State.

3. The FIR is lodged by one Snehal Khandage. The Applicant No.1 is her father-in-law and the Applicant No.2 is her mother-in-law. The FIR mentions that in November 2019, the informant got engaged with the Applicants' son. At that time, there was some dispute about some ornaments, which the Applicant No.1 insisted that the informant's father should give to the informant. Even thereafter, there were some disputes and the marriage was to get cancelled. However, due to intervention of their common friends, the marriage took place between the Applicants' son and the informant on 29/01/2020. It is mentioned in the FIR that the informant's father gave her gold ornaments. Similarly, even the Applicant No.1 gave her gold ornaments by way of Stridhan. The informant has categorically stated that all these ornaments are with the informant herself. It is further mentioned that during the marriage the Applicant No.1 had paid for the lunch given to the guests and the rent for the marriage hall was given by the informant's father. Thus, the expenses were divided between them. The allegations are that, after marriage, the Applicants and the informant's husband told the informant that she should sell her flat and she should

purchase a new house in the joint name of her husband and herself. But the informant had refused and since then, the dispute started. There are other allegations against the Applicants' son. It is mentioned that in October 2020, the Applicant No.2 had contracted Hepatitis B and thereafter the informant's husband started giving more attention to the Applicant No.2 and started ignoring the informant. In July 2021, she delivered her son. Even then, there was no improvement in the behaviour of the informant's husband. On one occasion, when her husband was trying to assault her, the Applicant No.1 came there and confined her in the bedroom. He locked the room from outside. According to her, that was one incident of cruelty to her. The FIR thereafter goes on to mention about various disputes. In April 2022, the family shifted to a new house and then in March 2023, the informant's husband went to Switzerland in connection with his job. It is further mentioned that the informant continued staying with the Applicants. But the Applicant No.2 was not allowing her to enter the kitchen. They used to abuse the informant's mother. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the Applicants are senior citizens. The Applicant No.1 is 72 years of age and the Applicant No.2 is 62 years of age. She is suffering from Hepatitis B. The informant's husband is in Switzerland. As of today, the informant is residing separately from the Applicants. Their custodial interrogation will not serve any purpose.
5. Learned APP opposed these submissions. She relied on the allegations made in the FIR. She submitted that considering the illtreatment given to the informant, the Applicants did not deserve protection u/s 438 of Cr.PC.
6. I have considered these submissions. The FIR itself mentions that during the wedding ceremony, both the parties had spent. The Applicant No.1 had spent sufficiently at the time of marriage. As far as the allegation u/s 498-A is concerned, there is only one specific incident when the Applicant No.1 had locked the informant in a room. That was around 2021. Apart from that, there is no mention of any specific incident. There are only general allegations. The Applicant No.1 is 72 years of age

and the Applicant No.2 is suffering from Hepatitis B. In this view of the matter, their custodial interrogation will not serve any purpose at all. Their son is in Switzerland. The informant is staying separately as of today. She is a well educated lady and is gainfully employed. In this view of the matter, the Applicants can be protected u/s 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.127/2024, dated 27/01/2024, registered with Kapurbavadi Police Station, Thane City, the Applicants are directed to be released on bail on his 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.)