

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1240 OF 2024

Siddharth Rajkumar Tiwari And Anr. ... Applicants

v/s.

State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.1970 OF 2024

IN

ANTICIPATORY BAIL APPLICATION NO.1240 OF 2024

Mamta Siddharth Tiwari ... Applicant

v/s.

State of Maharashtra & Anr. ... Respondents

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Mr Ravi Dwivedi, for the Applicants.

Ms Rashmi Tendulkar, APP, for Respondent State.

Mr CK Tripathi, for the Intervenor.

Mr Tushar Sukhdeve, PSI, Malad Police Station.

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Coram : R.N. Laddha, J.

Date : 10 June 2024.

P.C. :

. Heard the learned Counsel for the applicants, the learned APP for the State and the learned Counsel for the intervenor/ first informant.

2. This is an application for pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973. The applicants stand accused for the offences punishable under Sections 498A, 354, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

3. The gravamen of the indictment against the applicants is that the applicant no.2, who is the uncle of applicant no.2, informed the first informant's father that applicant no.1 had purchased a flat on loan and needed Rs.20 lakhs in cash. Despite the first informant asking her father to refrain from paying the amount, her father paid Rs.10 lakhs to applicant no.1 in February 2023. As the first informant's father could not meet the entire demand, the first informant faced harassment. Subsequently, on 2 November 2023, on asking of applicant no.1, the first informant was restrained to reside at her parents' house. It is further alleged that the first informant's in-laws misappropriated her stridhan. Furthermore, applicant no.2 is accused of molesting the first informant under the guise of making her to understand. Consequently, the first informant filed a report with Malad Police Station vide CR No.226 of 2024. The applicants, along with others, had initially filed an application for pre-arrest bail before the learned Additional Sessions Judge, Dindoshi, Mumbai. However, the learned Judge rejected the application *qua* the applicants herein but allowed it for the mother and sister-in-law of applicant no.1.

4. The learned Counsel for the applicants argued that the

allegations made against the applicants do not indicate any cruelty or harassment. He submits that after the marriage, the first informant had possession of all the stridhan items, and upon leaving the house, she took the entire stridhan with her. Additionally, the divorce petition involving applicant no.1 and the first informant is pending before the competent Court.

5. The learned APP submits that the investigation is almost complete, and a charge-sheet will be filed within a couple of days and the custodial interrogation of the applicants is not necessary.

6. The learned Counsel for the intervenor/ first informant contends that due to the first informant's inability to provide the full demanded amount, the applicants resorted to physical assault and threats. Applicant no.1 persistently sought to acquire the funds through unethical methods, causing significant distress and trauma to the first informant. Additionally, the learned Counsel expresses concern that if the applicants are granted bail, they may tamper with the prosecution evidence/ witnesses.

7. From the perusal of the material placed on record, it appears that the allegation of arranging funds by illicit means was not found in the FIR. The record also indicates a matrimonial discord between applicant no.1 and the first informant, and a divorce petition is pending before the competent Court. *Prima facie*, the allegation

against the applicants seem general and omnibus in nature. Furthermore, the learned APP states that the investigation is almost complete, and the charge-sheet will be filed within a couple of days.

8. In view of the above, it can be inferred that the custodial interrogation of the applicants is unwarranted. The intervenor's concern about tampering with prosecution evidence/ witnesses can be addressed by imposing conditions. In the result, the interim protection granted by this Court by an order dated 14 May 2024 stands confirmed and shall operate during the pendency of the trial. It is essential for the applicants to co-operate with the investigating agency, attend the police station as and when required, and refrain from tampering with the prosecution evidence or influencing witnesses.

9. The application stands disposed of accordingly. As a sequel, the pending application, if any, shall also stand disposed of.

(R.N. Laddha, J.)