

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

Anticipatory Bail Application No.2317 of 2024

Dayaram Barku Ahire

Age:56, Occ: Retired from

Services, R/at: Subhash Tekdi,

Opp: A-Block 397, Kansai Road,

Near Dnyandeep Marathi School,

Ulhasnagar-4, Dist-Thane

... Applicant.

v/s.

State of Maharashtra

(At the instance of Kolashewadi

Police Station, Dist. Thane)

... Respondent.

....

Mr Jyotiram S Yadav, for the Applicant.

Mr Amit A Palkar, APP, for Respondent State.

....

Coram : R.N. Laddha, J.

Date : 19 August 2024

P.C. :

By the present application, the applicant seeks pre-arrest bail in connection with CR No.800 of 2024, registered at Kolashewadi Police Station, Dist. Thane, for the offences punishable under Sections 318(4) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. According to the FIR, the applicant and co-accused received Rs.3,00,000/- from the informant on 4 January 2023, and entered into a formal agreement. However, the applicant and her family failed to repay the amount, deceiving the informant and reneging on their

commitment.

3. Mr Jyotiram S Yadav, the learned Counsel appearing on behalf of the applicant, submits that the co-accused is the victim of domestic violence and dowry harassment and had filed the complaint against the informant. He claimed that the present complaint was filed solely to settle these matters and harass the applicant. The learned Counsel emphasised that nothing is to be recovered or discovered from the applicant and the custodial interrogation is unnecessary.

4. On the other hand, Mr Amit A Palkar, the learned Additional Public Prosecutor representing the respondent/State, submits that the applicant played a significant role in committing the crime. The applicant still owes Rs.3,00,000/- and, if released on bail, may attempt to tamper with the prosecution's evidence.

5. After reviewing the records, it appear that the informant is the mother-in-law of the applicant's daughter, who married the informant's son on 26 March 2023. However, due to marital problems, the applicant's daughter filed a complaint against the informant and her family on 9 October 2023, and subsequently initiated domestic violence proceedings on 8 November 2023. Thereafter, the informant has lodged the present FIR against the applicant and her family on 15 July 2024. The record shows that no preliminary inquiry was conducted before registering the crime. The record suggests a civil

transaction involving a hand-loan between the applicant and the informant, with the alleged agreement in the custody of the prosecution. Furthermore, as the investigation is almost complete, custodial interrogation of the applicant is deemed unnecessary. In the circumstances, this Court is inclined to allow the present application. Hence, the following order:

ORDER

- (i) In the event of arrest, the applicant shall be released on bail in CR No.800 of 2024, registered at Kolashewadi Police Station, Dist. Thane, on executing a PR Bond of Rs.25,000/- and furnish one or more sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and report to the concerned police station, as and when directed.
- (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence any witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)