

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

Anticipatory Bail Application No.1837 of 2024

Brijesh Krishnraj Singh
Age :27, Occupation: Service
Residing at G-8, Vivekanand Chawl,
Devipada Road, Borivali(East)
Mumbai-400 066. ... Applicant.

Vs.

The State of Maharashtra
Through PP High Court, Mumbai
At the instance of Kurar Police Station
Mumbai, CR No.319 of 2024. Respondent.

With

Interim Application No.3091 of 2024

In

Anticipatory Bail Application No.1837 of 2024

Nidhi Brijesh Singh
Age: 26 years, Occ: Service
Shop No.18, Millennium Tower
near Rikshaw Stand Lokhandwala
Kandivali East Mumbai 400101 ... Intervener

In the matter of :

Brijesh Krishnraj Singh
Aged 27 years, Occ:service
Residing At G-8, Vivekanand Chawl,
Devipada Road, Borivali East
Mumbai-400 066 ... Applicant.

Vs.

The State of Maharashtra

Through APP Hon'ble High Court
(CR No.319/2024 at Kurar P.S.) ... Respondents.

Mr Ravi P Kadam for the applicant.
Mr Amit A Palkar, APP for Respondent/State.
Mr Ravi Jaiswal for the intervenor.

Coram : R.N.Laddha, J.
Date : 30 August 2024.

P.C. :

The applicant is seeking pre-arrest bail in connection with CR No.319 of 2024, registered with Kurar Police Station, for the offences punishable under Sections 323, 406, 498-A, 504, 506 of the Indian Penal Code.

2. The prosecution alleges that the applicant, who is the informant's husband, along with his family members, subjected the informant to mental and physical cruelty and did not return her 'Stridhan'.

3. Mr Ravi Kadam, the learned Counsel appearing on behalf of the applicant, submits that the complainant and applicant were married in 2022, but the complainant abandoned the marital home without valid reason in February 2024 and subsequently, filed the present FIR in April 2024. According to the learned Counsel, the informant's actions are retaliatory, as the applicant had already initiated divorce proceedings. In an effort to resolve the matter, the

applicant is willing to return Rs.50,000/- to the informant towards the alleged 'Stridhan' and surrender the laptop to the investigating officer.

4. Mr Amit Palkar, the learned APP and Mr Ravi Jaiswal the representing the learned Counsel for the intervenor, jointly state that the investigation is in progress and that the valuable articles, specifically the 'Stridhan', are presently is in possession of the applicant/accused.

5. Upon perusing the records, it is evident that the applicant is the husband of the informant, with whom he was married in 2022. Notably, the applicant had already filed divorce proceedings against the informant in the family Court prior to the filing of the FIR, which was lodged after a delay. The co-accused have already been enlarged on bail. The learned Counsel for the applicant assures that the applicant is willing to surrender the laptop to the investigating officer and, further, on instructions, undertakes to pay Rs.50,000/- towards the informant's 'Stridhan' within two weeks. This undertaking is accepted. The informant can pursue separate legal action permissible in law to recover the remaining disputed 'Stridhan'. The investigation is almost complete and the charge sheet is expected shortly. In this backdrop, the custodial interrogation of the applicant is not necessary. The apprehension of the prosecution that the applicant may tamper with the

evidence/witnesses can be addressed by imposing appropriate conditions. Accordingly, the application deserves to be allowed. Hence, the following order.

ORDER

(i) In the event of arrest of the applicant, in CR No.319 of 2024, registered with Kurar Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one of more sureties in the like amount.

(ii) The applicant shall attend the concerned police station on 6, 7 and 8 September 2024, between 11:00 a.m. and 2:00 p.m., surrender the laptop and cooperate with the investigation.

(iii) The applicant, himself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly. As a sequel, the pending application, also disposed of.

[R. N. Laddha,J.]