

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

ANTICIPATORY BAIL APPLICATION NO. 3532 OF 2024

Swapnil Babanrao Shinde

.Applicant

vs.

The State of Maharashtra & anr.

.Respondents

Mr. Gaurav More (Through VC) a/w. Mr. Jay Raundale, Advocate, for the Applicant

Ms. Rajeshree Newton, APP, for the Respondent – State

Mr. M. V. Puri, API, Sakinaka Police Station, Mumbai present

CORAM : MILIND N. JADHAV, J.

DATE : 09.01.2025

P. C.

1. Heard Mr. More, learned Advocate for the Applicant appearing online through VC and Ms. Newton, learned APP for the Respondent – State.

2. This is an Application for Anticipatory Bail filed by the Applicant who is the husband. The FIR is lodged by his wife on 24.08.2024 in connection with C. R. No. 640 of 2024 registered with the Sakinaka Police Station, Mumbai, for the offences punishable under Sections 85, 89, 316(2), 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 against the Applicant. There are five accused named in the FIR. Accused No. 1 is the Applicant, whereas Accused Nos. 2 to 5

are his immediate family members namely his parents, his sister and brother-in-law. The allegation in the FIR is that the Applicant's father locked the matrimonial house and prevented the Complainant from entering the same some time on 22.06.2024 as can be seen it from Page No. 18 of the Application in the FIR. Briefly the Complainant's case is that the Applicant and Complainant got married in 2022. The Applicant is working in Mumbai in a Company as an Accountant in its Finance department. Accused No. 5 namely sister of the Applicant is working in Mantralaya in Mumbai. The allegation is that pursuant to the marriage between the parties, the Accused made a demand to the Complainant to bring Rs. 5,00,000/- for purchasing a plot of land for the reason that in the marriage, family of the Applicant did not give any dowry. Reading of the FIR, *prima facie* shows that this allegation of the Complainant may not hold good because the Complainant herself states that their marriage was solemnized as per Hindu vedic rites in the presence of all family members of both sides and it is not stated in the FIR about any precursor event which goes to the root of the allegation.

3. Mr. More, learned Advocate for the Applicant would draw my attention to the grounds and at the outset would submit that the Applicant filed a Divorce Petition, being A-603/2024 on 21.06.2024.

He would admit the fact that it is not stated in the Application, since the Application was drafted by his junior. Be that as it may. He has invited my attention to the grounds which are relevant in the present case and more specifically ground Nos. V & VI. These grounds are extremely serious. The Divorce Petition is the precursor event in this case and as a counterblast, the present complaint may have been filed. Therefore both proceeding will be decided on their own merits. *Prima facie*, on reading of the complaint, it is clearly seen that the complaint which is filed on 24.08.2024 is a clear counter blast. I say this because on reading of the same complaint itself, it is seen that in between the two aforesaid dates, family members of both the parties have met and attempted substantial reconciliation which has failed. Firstly, on 22.06.2024 and secondly, on 03.07.2024, the family members have met to resolve the conflict. That apart, family members were in touch with each other according to the statement of the Complainant in the FIR itself.

4. In view of above and considering the nature of the allegations, the Applicant has made out a case for allowing the Application. The Anticipatory Bail is allowed on the following terms and conditions :

O R D E R

(i) In the event of the arrest, the Applicant be enlarged on bail on

furnishing P. R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station on between 10.00 a. m. and 12.00 noon on the fourth Saturday of every month for a period of 4 months and thereafter as and when called for by the Investigating Officer;

(iii) The Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations

made herein.

7. All concerned to act on the authenticated copy of this order.

(MILIND N. JADHAV, J.)