

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1429 OF 2025

Bhavin Atul Mehta. ... Applicant.
Vs.
State of Maharashtra & Anr. ... Respondents.

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1432 OF 2025**

Priti Atul Mehta & Ors. ... Applicants.
Vs.
State of Maharashtra & Anr. ... Respondents.

Ms. Keral Mehta, Advocate for the Applicant in ABA/1429/2025.
Mr. Arun H. Mehta a/w. Mr. Aniket Srivastav i/b. Akshar Laws, Advocate
for Applicants in ABA/1432/2025.
Mr. Anand Salgaonkar, APP for Respondent/State.
PSI Suryakant Doke, Borivali Police Station.

**CORAM : ASHWIN D.BHOBE, J.
DATE : 2ND JUNE, 2025.
(VACATION COURT)**

P.C. :

1. Heard Ms. Keral Mehta, learned Advocate for the Applicant in ABA/1429/2025, Mr. Arun H. Mehta, learned Advocate for Applicants in ABA/1432/2025 and Mr. Anand Salgaonkar, learned APP for the Respondent -State.
2. Affidavit of service dated 29th May, 2025 indicating the service of

notice is filed by the Applicants. The same is taken on record and marked "X" Colly. (pages 1 to 7). It is reported by the learned Advocate for the Applicants and confirmed by the learned APP that Respondent No. 2 - complainant was in court when the matter was called out in the morning session. However, Respondent No. 2 is absent when the matter was called out in the afternoon session.

3. By the present Applications under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023(for short "BNSS"), the Applicants (family members) are seeking anticipatory bail in connection with the FIR bearing C.R. N. 264 of 2025 registered at Borivali Police Station, Mumbai on 22nd April, 2025 for the offence punishable under section 316(2), 318(4), 351(3), 356(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023(for short "BNS"). Offence is registered on the complaint of Respondent No. 2.

4. Case of the prosecution in a nut shell is that the Respondent No. 2 lodged a complaint on 22nd April, 2025 against the applicants in both the Applications alleging commission of the above said offence. Respondent No. 2 claims that despite engagement ceremony of the Respondent No. 2 and the Applicant (Bhavin Mehta) in ABA No. 1429 of 2025, the

Applicant did not perform the marriage with Respondent No. 2. Other Applicants in Cr. ABA No. 1432 of 2025, are the family members of Bhavin Mehta, who are alleged to have supported Bhavin Mehta, as such have been arrayed as accused in the said crime.

5. Anticipatory Bail Application No. 600 of 2025 filed by Applicants before the Court of Sessions Judge at Dindoshi, (Borivali Division), Goregaon, Mumbai came to be rejected by the learned Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi on 15th May, 2025.

6. Ms. Keral Mehta, learned Advocate for the Applicant in ABA No. 1429 of 2025 states that no offence of any nature is made out against the Applicants. She states that apparently, there is misunderstanding between the Applicant (Bhavin Mehta) in the Cr. ABA No. 1429 of 2025 and the Respondent No. 2 with regard to the engagement. She states that by no stretch of imagination, denial or refusal of a party to marry would fall within the meaning of an offence under the BNS. She further submits that the allegations made by the Respondent No. 2 against the Applicants are incorrect, if not false. She submits that the Complaint is filed to cause harassment to the Applicant (Bhavin Mehta) and his family members.

She submits that custodial interrogation of the Applicants in such matter is not required and therefore, prays for bail.

7. Mr. Anand Shalgaonkar, learned APP for the Respondent-State submits that the allegation against the Applicant (Bhavin Mehta) in ABA No. 1429 of 2025 pertains to character assassination of the Respondent No. 2 and forwarding whats-app messages. He submits that the allegation as against the Applicants (family members of Bhavin Mehta) in ABA No. 1432 of 2025 are of they supporting the Applicant (Bhavin Mehta). He states that the Investigating Officer requires mobile phone of the Applicant (Bhavin Mehta).

8. Ms. Keral Mehta, learned Advocate for the Applicant (Bhavin Mehta) in ABA No. 1429 of 2025 on instructions from the Applicant that the mobile phone shall be deposited with the Investigating Officer, Borivali Police Station by 4th June, 2025.

9. From the nature of the complaint and the allegations made in the complaint, it is more than evident that the discord amongst the parties is out of break in the relations. Complaint does not indicate commission of a cognizable offence. Further, the statement made by the learned APP indicates that the Investigating Officer requires the Applicant Bhavin

Mehta to deposit his mobile phone.

10. In view of the above, custodial interrogation of the applicants is not required.

11. The Applicants are therefore, secured by pre-arrest bail subject to following conditions.

(a) In the event of arrest of the Applicants in FIR bearing Crime No. 246 of 2025, each of the Applicant, shall be released on furnishing P.R. Bond in the sum of Rs. 10,000/- each with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Dindoshi, (Borivali Division), Goregaon, Mumbai

(b) The Applicants shall not contact and/or threaten/influence Respondent No. 2 or any witnesses in the present crime.

(c) The Applicants shall report and appear before the Investigating Officer, Borivali Police Station, Mumbai on 10th June, 2025 from 10 a.m. to 2 p.m. and/or any other day, as may be required by the Investigating Officer, Borivali Police Station, Mumbai.

(d) Applicant Mr. Bhavin Mehta shall hand over his mobile phone to the Investigating Officer, Borivali Police Station,

Mumbai on 10th June, 2025.

12. Criminal Anticipatory Bail Application No. 1429 of 2025 and Criminal Anticipatory Bail Application No. 1432 of 2025 are disposed in the above said terms.

[ASHWIN D.BHOBE, J.]