

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

ANTICIPATORY BAIL APPLICATION NO. 522 OF 2024

Tirth Jagdishchandra Rawal ...Applicant

V/s.

The State of Maharashtra and Anr, ...Respondents

Mr. Prem T., i/b Shailendra Mishra and Associates, Advocate for the Applicant.

Mr. S. V. Walve, APP for the Respondent/State.

Adv. Gaurav Shukla a/w Adv. Devendra Shukla, Mr. Karan Vishwakarma, Mr. Hemant Shukla, Mr. Sumit Shukla i/b Apex Juris LLP, Advocate for the Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 23.03.2026.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 3 of 2024 registered at Borivali Police Station, for the offences punishable under Sections 323, 406, 498-A, 504 read with 34 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for

the first informant/wife.

4. This Court on 26.02.2024 passed the following order :

1. The Applicant is seeking anticipatory bail in connection with C.R. No. 3 of 2024 registered at Borivali Police Station on 3/1/2024 under sections 323, 406, 498-A, 504 r/w 34 of the Indian Penal Code.

2. Heard Mr. Shailendra Mishra, learned counsel for the Applicant and Ms. Newton, learned APP for the Respondent-State.

3. The first informant is present in the Court. She submitted through the learned APP that she wants assistance of a legal aid counsel. She also made a statement that she wants her passport, streedhan and important documents which are with the Applicant to be returned to her.

4. Learned counsel for the Applicant makes a statement that the Applicant shall hand over streedhan which is with him to the informant. The informant is expected to give a list of the same. He also submits that whatever documents are available with him, those documents will be returned to the informant. As far as passport is concerned, learned counsel does not have any instructions about the same.

5. The gist of the FIR is that the informant got married with the applicant on 21/04/2015. It was a love marriage. After a few days of marriage, there was ill treatment. It is her case that, the applicant on the instigation of other family members, used to beat her. He did not pay any attention to her needs. Therefore, on one occasion she had suffered

miscarriage. It is her allegation that the Applicant has extra marital affair and there are allegations that the aforesaid articles and documents are lying with the Applicant which are not returned.

6. Considering these submissions and in the background of the allegations made in the FIR, for the time being the Applicant can be protected. Hence the following order.

ORDER

i) Learned counsel for the Applicant shall add the first informant as a party Respondent. Amendment shall be carried out forthwith.

ii) Issue notice to the added Respondent who is present in the Court. She waives service of notice. Learned counsel for the Applicant shall hand over copy of the application to the informant.

iii) The Legal Services Authority of this Court is requested to appoint an advocate from their Panel to represent the first informant in this case.

iv) In the event of his arrest in connection with C.R. No.3/2024, registered at Borivali Police Station, till the next date, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

v) The applicant shall attend the concerned Police Station on 12th, 13th and 14th March 2024, between 1.00 p.m. to 4.00 p.m. and shall co-operate with the

investigation.

vi) This order shall operate till 05/04/2024.

vii) Stand over to 05/04/2024.

5. Thereafter on 10.02.2025 this Court passed the following order :

The parties in the present proceedings are husband and wife. The wife has filed an FIR against the husband under Sections 323, 406, 498A, 504 read with 34 of the Indian Penal Code, 1860 against the present applicant and five more accused (in-laws).

2. Earlier on 26th February, 2024 this Court has passed an order thereby protecting the applicant from being arrest. The notice was issued to the informant. In paragraph (4) of the said order, it was recorded that 'learned counsel for the applicant makes a statement that the applicant shall hand over streedhan which is with him, to the informant'.

3. There was also issue about certain educational documents of the first informant lying with the applicant (husband) and also the issue of passport of the first informant, as alleged to be with the applicant.

4. Today, it has been submitted that the informant (wife) has secured a new passport and has travelled abroad. Therefore, the issue of passport has come to rest.

5. Learned counsel appearing for the applicant submits that the educational documents and all

other important documents of the informant has been handed over to the Investigating Officer (IO). However, since the IO is not present today in Court, the said fact could not be confirmed. The A.P.P. is accordingly granted a week's time to confirm to this Court about the educational documents.

6. As regards the streedhan is concerned, the learned counsel appearing for the first applicant submits that she does not have the receipts about purchase of the said jewellery. However, she can produce certain photographs to show that she wore the said jewellery on certain occasions.

7. Mr. Tanna, learned counsel for the applicant submits that if such proof is handed over, and the said streedhan is not available with the applicant, the applicant will compensate in monetary form by paying Rs.18 lacs to the first informant, as per the voluntarily statement made by the applicant on 26th February, 2024.

8. To enable the parties to exchange the photocopies of such jewellery, a week's time is granted.

9. Stand over to 18th February, 2025. Matter to come up under the caption 'For Circulation'.

6. It is not in dispute that in terms of the order dated 10.02.2025, the first informant had provided the necessary documents/photographs to the applicant. The learned counsel for the applicant submits that ornaments in respect of which the first informant had submitted the documents/photographs are not the

Streedhan of the first informant. The applicant is also not willing to pay the amount of Rs.18 lakhs though the statement was made to that effect before this Court on 10.02.2025. Considering the conduct of the applicant and the nature of allegations, I am not inclined to release the present applicant on anticipatory bail. The application is rejected.

[N.R.BORKAR, J.]