

Rakesh Pannalal Jaiswal And Ors vs The State Of Maharashtra on 15 February, 2021

Author: Prakash D. Naik

Bench: Prakash D. Naik

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.61 OF 2021

Rakesh Pannalal Jaiswal and Ors.

.. Applicants

Versus

State of Maharashtra

.. Respondent

.....
Mr.Aashish Dubey, Advocate for the Applicants.

Mrs.Veera Shinde, APP for the Respondent - State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 15, 2021.

P.C. :

This is an application for anticipatory connection with C.R.No.61 of 2020, registered with Goregaon Police Station, Mumbai, for the offences punishable under Sections 498(A), 406, 504 and 323 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was lodged on 10th February, 2020.

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The case of the complainant is that her marriage was

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signed by
RajeP. Aher
Date:

Aher 2021.02.18 performed with accused no.1 on 29th April, 2015. The accused
17:13:27 made demand of Rs.11,00,000/-and gold and threats were issued
+0530

at the time of performance of marriage. The gold ornaments and

Streedhan of the complainant was misappropriated by the
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accused. Complainant's father had spent huge amount in
marriage.

3 FIR was registered against the applicant, his mother
and married sister. Applicants had preferred an application for
anticipatory bail before the Sessions Court, which has been
rejected.

4 The contention of the applicants is that entire family
has been roped in the FIR. The complainant had deserted
applicant no.1 since 24th December, 2016, and after the period of
about 4 years, the FIR was lodged. The complainant had fled the
proceeding under Domestic Violence Act before the Court of
Metropolitan Magistrate, prior to the FIR. There is delay in
lodging the FIR. Except few articles, all the ornaments and
articles of the complainant were taken away by her. In the FIR
itself, the complainant has referred to household articles and
some ornaments. The applicants are disputing that amount of
Rs.1,00,000/-, was given in cash to applicant no.1, at the time of
engagement ceremony and that ornaments were given as
Streedhan to the complainant. Applicant no.1 had fled affidavit
giving list of Streedhan articles, which were kept in the house

and that he is willing to return it to the complainant. The list
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contains certain gold ornaments and silver articles. It is also
submitted that the applicant had written letter dated 18 th January,
2021, for resolving the dispute amicably and that if complainant
wants to take away articles, she is at liberty to do so.

5 Learned APP submitted that the complainant has
alleged that her Streedhan was misappropriated by the accused.
Specifc role has been attributed to the applicants and the co-
accused.

6 It is apparent that the marriage between applicant
no.1 and complainant was performed in 2015. The complainant
has also initiated proceedings under Domestic Violence Act. FIR
was lodged on 10th February, 2020. The dispute has arisen out of
the matrimonial discord between the parties. Considering the
aforesaid factual aspects, applicants need not be subjected to
custodial interrogation.

7 Hence, I pass the following order.

:: O R D E R :

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(i) Anticipatory Bail Application No.61 of 2021, is allowed;

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(ii) In the event of arrest of the applicants in

connection with C.R.No.61 of 2020, registered with Goregaon Police Station, Mumbai, the applicants be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, each with one or more sureties in the like amount;

(iii) Applicant No.1 shall hand over the articles mentioned in the affidavit fled by him on 22 nd February, 2021 at 11:00 a.m. in the presence of investigating officer at the police station;

(iv) Applicants shall not tamper with the prosecution evidence and shall cooperate with the investigation;

(iv) Anticipatory Bail Application No.61 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)