

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

ANTICIPATORY BAIL APPLICATION NO.80 OF 2022

Shivek Ramesh Dhar Applicant

versus

State of Maharashtra Respondent

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- Resham I. Sahni, Advocate for Applicant.
- Smt.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JANUARY 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.495/2021 registered with Rabale Police Station, Navi Mumbai, dated 02/12/2021, under sections 498-A, 323, 504, 406, 506(2) of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act.

2. Heard Resham I. Sahni, learned counsel for the Applicant and Smt.A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by the Applicant's wife on 02/12/2021. She has stated that she got married with the Applicant on 11/11/2017. At the time of marriage, the Applicant's family wanted gold coin each for their family members. But the informant and her family refused to give those. After the marriage the in-laws used to talk about their demand and used to cause harassment to the informant. It is mentioned that her sister-in-law and the father-in-law used to instigate the Applicant and thereafter the Applicant used to insult and humiliate the informant. He used to abuse her. The couple has a son, who is 3 years of age as of today. In November 2019, the Applicant and the informant started residing in Vashi, Navi Mumbai. It is her case that the informant had given around Rs.13,50,000/- for purchasing a flat. The Applicant was demanding more money for purchasing that flat. There used to be fight between them. The FIR mentions a few instances on which they had fought with each other. There are allegations that the Applicant had inflicted some wounds on himself to show that the informant had assaulted him. The informant got

fed up and went to reside with her sister. The Applicant came there and demanded to see his child. The Applicant made a phone call to police and made false allegations. There are allegations that the Applicant had retained ornaments worth around Rs.4,20,000/-. On this basis FIR is lodged.

4. Learned counsel for the Applicant submitted that the allegations are false. The Applicant has spent Rs.90,00,000/- by raising loan for purchase of the flat. The informant's case therefore in that behalf is false. She has only spent for interior decoration. He further submitted that after the marriage the Applicant had taken the informant to Mauritius and had gifted her an expensive cell phone. He submitted that there are whatsapp chats showing that the Applicant was constantly harassed and assaulted by the informant. He submitted that the Applicant himself had lodged an NC complaint on 16/06/2021 and as a counter blast to this, the informant had lodged this FIR against the Applicant to harass him.

5. Learned APP opposed this application on the basis of averments made in the FIR and in particular relying on the allegations that the Stridhan and ornaments are retained by the Applicant.
6. I have considered these submissions. The FIR shows that how the Applicant and the informant just cannot live together. There were constant quarrels between them. There are complaints filed by the Applicant and the informant against each other. This FIR is lodged by the informant against the Applicant.
7. In this connection the Applicant's custody will not really solve the issue. Even for the purpose of investigation his custodial interrogation is not necessary. He can be asked to co-operate with the investigating agency. There are allegations and counter allegations, which can only be decided during the trial.
8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.495/2021 registered with Rabale Police

Station, Navi Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)