

MHTH230014332026  <u>Cri.Bail Appln./705/2026</u>	ORDER IN CRI. BAIL APPLICATION NO.705/2026 1. Mr. Nebulal Pathar Gupta, 2. Mrs. Lalita Nebulal Gupta, 3. Mr. Abhijit Nebulal Gupta, 4. Ms. Indrasanii Nebulal Gupta. Applicants. Vs. State of Maharashtra, (Manikpur Police Station).Respondent.
--	---

ORDER BELOW EXHIBIT NO. 1
(Date:22/06/2026)

This is an application for anticipatory bail u/s.482 of BNSS, 2023 filed by accused-applicant Nos.1. Mr. Nebulal Pathar Gupta, 2. Mrs. Lalita Nebulal Gupta, 3. Mr. Abhijit Nebulal Gupta and 4. Ms. Indrasanii Nebulal Gupta for releasing them on anticipatory bail in C.R. No.267/2026 of Manikpur Police Station for the offences punishable under sections 74, 115(2),118(1), 189(2), 189(3), 351(2), 352, 190, 191(2) of BNS, 2023 Sec. 4 of Dowry Act, 1961 and Sec. 8, 12 of POCSO Act, 2012.

2] The prosecution's case in brief is as under:-

Complainant lodged report to Police Station Manikpur against the accused. It is alleged that he was looking for groom for his elder daughter through some relative viz. Pinku Gupta. He introduced Nebular Gupta and he gave proposal of marriage with his son Abhishek Gupta i.e. accused No.1. The marriage was fixed and wedding was scheduled on 08th May, 2026. The marriage ceremony has taken place at Siddharth Jagruti Sangh, Cultural Center, Vasai(W). After wedding they gave gifts to the groom and his parents but he refused. But they made a demand of Rs.2-lakhs. The complainant shown his inability to fulfill said condition, but

both applicants alongwith their sister and associates verbally abused them. Then they turned violent and physically assaulted his son Ashish, daughter Archana and Mrs. Babita and Roshani. Applicant Abhishek intentionally touched his niece in inappropriate way, with intent to outrage her modesty. They also caused injury to his daughter on her right shoulder. Hence, on 09/05/2026, the informant lodged report of this incident of Manikpur Police Station for necessary action.

3] While advancing arguments, Ld.Advocate for applicants submitted that applicants are apprehending their arrest in false case. The alleged scuffle broke out due to provocative behaviour of complainant side. The applicants and their family members also sustained injuries and they also registered FIR against the complainant and his family members. The allegations of dowry demand are vague. There was sudden quarrel on the spot without any specific intention. Applicants are innocent. They have reasonable apprehension of arrest in false case. They are ready to abide with all conditions if imposed while releasing on anticipatory bail. No investigation requiring personal interrogation or attendance of accused is necessary. Hence, with all these submissions, Ld. Advocate for applicants prayed for release of applicant on pre-arrest bail.

4] Say of I.O., APP and victim has been called.

5] I.O. has submitted that applicants have committed the act of outraging modesty of victim and also caused grievous injury by taking tooth bite. The investigation in respect of actual incident is necessary to be conducted with the assistance of applicants. Investigation is pending. There is possibility of tampering with

prosecution witnesses and abscondence of accused if released on bail. Hence looking to the severity of the offence, I.O. has prayed for rejection of application. Ld. APP also gave the similar reply. Victim has given reply and her statement came to be recorded in which she gave no objection for releasing the applicants on pre-arrest bail.

6] On perusal of record, it transpires that the informant has given pursis on record below Exh.7, thereby giving no objection for release of accused on pre-arrest bail. The informant and victim has stated that offence came to be registered under misconception of facts. No offence is committed by applicants, they may be released on bail. The informant is major person and he specifically submitted about misunderstanding between victim and accused and himself. It transpires that informant have no objection, if applicants are released on pre-arrest bail. The investigating officer has opposed bail application, but failed to explain the nature of investigation remained to conducted. There is nothing on record to suggest that applicants have tendency of repetition of offence or there is any reasonable apprehension tampering, abscondence or flee away from justice by the applicants. In said circumstances, I do not found any reasonable ground to arrest the applicants when they are ready to co-operate with police machinery and most of the offences are having punishment less than seven years. Hence, I hold that applicants are entitled to release on pre-arrest bail with following order.

ORDER

1] The application (Exh. 01) is allowed.

3] In the event of arrest of the applicant Nos.1 Mr. Nebulal

Pathar Gupta, 2. Mrs. Lalita Nebulal Gupta, 3. Mr. Abhijit Nebulal Gupta and 4. Ms. Indrasanii Nebulal Gupta for releasing them on anticipatory bail in C. R. No.267/2026 of Manikpur Police Station for the offences punishable under sections 74, 115(2), 118(1), 189(2), 189(3), 351(2), 352, 190, 191(2) of BNS, 2023, Sec. 4 of Dowry Act, 1961 and Sec. 8, 12 of POCSO Act, 2012, they be released on anticipatory bail in sum of Rs.50,000/- (Rupees Fifty Thousand only) each with one surety in like amount by each subject to conditions that:-

- 4] i) They shall attend the concerned Police Station in between 11:00am to 01:00pm on every Saturday till filing of the charge-sheet and as and when called by the I.O. under written intimation.
- ii) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation so as to dissuade from disclosing such facts to the Court or to any Police Officer.
- ii) They shall not tamper with the evidence of prosecution in any manner.
- iii) They shall not make contact in any manner with the informant and witnesses.
- iv) They shall furnish his/their current address proof and mobile phone number while furnishing surety.
- v) They shall not leave India without prior permission of Trial Court.
- vi) They shall not repeat the crime.
- 5] The prosecution/informant will be at liberty to file an application for cancellation of bail, in case, the applicants violate any of the above mentioned conditions.
- 6] Inform concerned Police Station accordingly.
- (Order is dictated and pronounced in open Court.)