



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.1480 OF 2021
IN
(C. R. No.672 of 2021 of MHB Colony Police Station)**

Mrs. Sunita @ Bhavika Bhushan Chandorkar,	]	
Age 33 years, Occ : Service,	]	
Residing at Flat No.704,	]	
Bramharaj Residency, Plot No.9, Near D-Mart,	]	
Sector 8 A, Airoli, Navi Mumbai,	]	
Thane 400 708.	]	...Applicant

Versus

The State of Maharashtra,	]	
(at the instance of MHB Colony Police Station	]	
in C.R. No.672/2021)	]	..Respondent

Ld. Adv. Ashok Shukla for the applicant.

Ld. APP Usha Jadhav for the State.

**CORAM : SHRI L.S. CHAVAN,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.10.**

DATE : 23rd March, 2022

ORAL ORDER

This is an application filed by the applicant under Section 438 of the Code of Criminal Procedure 1973, for granting anticipatory bail in connection with Crime No.672/2021, registered with MHB Colony Police Station for the offence punishable under Sections 498(A), 323,

504 506 r/w. 34 of the Indian Penal Code.

2. The factual matrix of the prosecution case is that, the informant Mrs. Priti Sumit Dubey is married wife of Sumit Dubey. Their marriage was solemnized in the year 2019 as per Hindu Rites and Rituals. After the marriage, the applicant, her brother and parents started to harass the informant on small domestic reasons and on account of less dowry given in the marriage. It is alleged that the husband of informant has extra marital affair with a married woman namely, Vaishali Sanket Tawde and on that count, he was abusing and assaulting the informant. Further, it is alleged that the applicant and co-accused subjected the cruelty to the informant and misappropriated her stridhan. Therefore, the informant lodged the report to MHB Colony Police Station. On the report of the informant, Crime No.672/2021 came to be registered against the applicant/accused for the offence punishable under Sections 498(A), 323, 504 506 r/w. 34 of the Indian Penal Code.

3. The Ld. Advocate for applicant argued that the applicant is innocent and has been falsely implicated in the above said crime by the informant with intent to pressurise her to get divorce from her brother by mutual consent. Since 2008, the applicant is residing at her matrimonial house at Navi Mumbai. She never subjected the cruelty to the informant nor misappropriated her stridhan. Nothing is to be recovered from her. Her custodial interrogation is unwarranted. Hence, requested to enlarge her on pre arrest bail.

4. Per Contra, the Ld. APP for the respondent strongly opposed for granting anticipatory bail contending that the informant was subjected the cruelty by the applicant and co-accused and misappropriated her

stridhan. Her custody is required to recover stridhan of informant and for interrogation purpose. Hence, requested for rejecting the application.

5. In view of the aforesaid discussion, it appears that there is a matrimonial dispute between the informant and her husband. The respondent is seeking the custody of the applicant for recovery of stridhan, but the settled principle of law guided that the pre arrest bail cannot be refused for recovery of Stridhan. Considering the nature of allegations made against the applicant, her custodial interrogation is unwarranted. Therefore, it would be appropriate to enlarge the applicant on pre arrest bail. The apprehension of prosecution is that, if the applicant is released on pre arrest bail, then she will pressurise the informant and witnesses and flee from justice, but the said care can be taken by imposing appropriate conditions. Hence, following order

ORDER

1. Anticipatory Bail Application No.1480 of 2021 is hereby allowed.
2. In the event of arrest, the applicant namely, **Mrs. Sunita @ Bhavika Bhushan Chandorkar**, be released on bail on executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only), with one or more surety/sureties of like sum in connection with Crime No.672/2021, registered with MHB Colony Police Station for the offences punishable under Sections 498(A), 323, 504 506 r/w. 34 of the Indian Penal Code, on following conditions :
 - i) She shall attend MHB Colony Police Station on every Sunday in between 10.00 a.m. to 01.00 p.m. till filing of chargesheet and shall co-operate the I.O. for investigation.

- ii) She shall not pressurize the informant and witnesses.
 - iii) She shall not leave India without prior permission of the Court.
 - iv) She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the Court or to any police officer.
 - v) She is directed to furnish her local & native addresses and her contact numbers to MHB Colony Police Station.
 - vi) Inform to MHB Colony Police Station accordingly.
3. Anticipatory Bail Application No.1480 of 2021 stands disposed of accordingly.

(L. S. CHAVAN)

Dt. 23/03/2022

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai.

Directly Typed on P.C.

: 23/03/2022

Checked & Signed by HHJ on

: 23/03/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 24.03.2022 AT 01.15 NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri L.S. Chavan, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	23/03/2022
JUDGEMENT/ORDER signed by P.O. on	23/03/2022
JUDGEMENT/ORDER uploaded on	24/03/2022