



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

ANTICIPATORY BAIL APPLICATION NO.1546 OF 2021

(C. R. No.799/2021 of Malad Police Station)

- | | | | |
|----|--------------------------------------|---|---------------|
| 1. | Mr. Shorabh Arun Kumar Sinha, |] | |
| | Age 33 years, Occ : Orthopedists, |] | |
| 2. | Mr. Arun Kumar Sinha, |] | |
| | Age 63 years, Occ : Retired, |] | |
| | Applicant Nos. 1 & 2 are residing at |] | |
| | Room No.602B, Anand Upvan, |] | |
| | Near Panvelkar Acquamarine, |] | |
| | B-Cabin Road, Ambernath (E), |] | |
| | Thane, Maharashtra 421 501. |] | |
| 3. | Mrs. Shweta Rahul Sinha, |] | |
| | Age 54 years, Occ : Teacher, |] | |
| | R/a. Room No.502B, Anand Upvan, |] | |
| | Near Panvelkar Acquamarine, |] | |
| | B-Cabin Road, Ambernath (E), |] | |
| | Thane, Maharashtra 421 501. |] | |
| 4. | Mrs. Nitu Avastha, |] | |
| | Age 30 years, Occ : Nil, |] | |
| | R/a. C-16, Ganesh War Chaya, |] | |
| | Gupte Road, Dombivali (W), |] | |
| | Thane. |] | ...Applicants |
| | Versus | | |
| | State of Maharashtra, |] | |
| | (Through D.N. Nagar Police Station) |] | ...Respondent |

Ld. Adv. Sujit Kurup for the applicants.
APP R.S. Kanojia for State.
Ld. Adv. Rajdeep Lahiri for Intervenor.

CORAM : SHRI M.I. LOKWANI,
Additional Sessions Judge,
Court Room No.10.
Date : 2nd July, 2022

ORAL ORDER

This is an application filed by the applicant Nos. 1 to 4 for Anticipatory Bail in connection with Crime No.799/2021, registered at Malad Police Station for the offences punishable under Sections 498(A), 324, 323, 406, 500, 504 r/w. of the Indian Penal Code.

The brief facts of the prosecution case are as under :

2. The complainant working as Doctor in Government Hospital at Dombivali. Her marriage took place with applicant No.1 Shorabh Arun Kumar Sinha on 01.12.2020. Prior to that their engagement took place on 04.05.2022. The whole expenses spent by her father. Her father gave several articles and ornaments to her. She brought gold ornaments and articles at Matrimonial home. After the marriage, few days applicants well treated her. Thereafter, till lodging of report, applicant Nos. 1 to 4 misbehaved with her and complainant subjected to mental and physical abuse at the hands of the applicants on the ground of demand of dowry. The applicants have misappropriated her stridhan worth of Rs.21,42,000/-. The applicant Nos. 3 & 4 are the sisters-in-law of the complainant. They used to abuse and taunt her on one or other ground, therefore, she subjected to mental harassment. The applicant

No.1 having extra marital relation with another lady namely, Mannat Sohanda. Hence, due to such cruel behaviour at the hands of the applicants, report lodged by the complainant at Malad Police Station by which crime No. 799/2021 registered against the applicants.

3. The learned advocate for the applicant submitted that the applicants are innocent. They are falsely implicated in this crime. The alleged allegations made against them are false. They are ready to abide any condition imposed upon them. Lastly they prayed for release them on pre arrest bail.

4. On the other hand, Ld. APP raised strong objection in view of reply Ex.2. It is submitted that applicants have misappropriated the stridhan worth more than Rs.21,00,000/-. The same yet to be recovered. The applicant No.1 has extra marital relationship, in that regard, investigation is going on. If the applicants are released on pre arrest bail, they will pressurise the complainant and there is possibility of recurrence of offence. Hence, prayed for rejection of application. However, in case of **Kaivan Jitendra Lalan V/s. State of Maharashtra, decided by the Hon'ble Bombay High Court dated 26.02.2021**, it is observed that “criminal proceedings are not recovery proceedings, therefore, pre arrest bail cannot be refused for recovery of stridhan.” There are several other reported case laws of Hon'ble High Court and Hon'ble Apex Court wherein it is observed that for recovery of stridhan, pre arrest bail cannot be refused. Hence, it is settled that for recovery of stridhan, bail cannot be refused. Apart from that there is nothing to recover from the applicants. Hence, custodial interrogation of the applicants not warranted. Therefore, it would be appropriate to enlarge

the applicants on pre arrest bail. The apprehension of the prosecution is that, if the applicants are enlarged on pre-arrest bail then they will pressurize the complainant and witnesses. But, the said care can be taken by imposing appropriate conditions. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No.1546/2021 is hereby allowed.

2. In the event of arrest of the applicants i.e. applicant No.1-Mr. Shorabh Arun Kumar Sinha, applicant No.2-Mr. Arun Kumar Sinha, applicant No.3-Mrs. Shweta Rahul Sinha and applicant No.4-Mrs. Nitu Avastha, they be released on bail on executing P.R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with one or two sureties of like sum in connection with Crime No.799/2021 registered with Malad Station for the offence punishable under Sections 498(A), 324, 323, 406, 500, 504 r/w. of the Indian Penal Code, on following conditions :

- i) They shall attend the Malad Police Station on every Sunday from 10.00 am to 01.00 pm till filing of charge-sheet and to co-operate the IO.
- ii) They shall not tamper the prosecution evidence.
- iii) They 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.

- iv) They are directed to furnish their local & native address and their contact numbers to Malad Police Station.
- v) Inform to the Malad Police Station.

3. Anticipatory Bail Application No.1546/2021 stands disposed of accordingly.

Dictated and pronounced in open Court.

Dt. 02/07/2022

(M.I. LOKWANI)
Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated on : 02/07/2022
Transcribed by steno on : 02/07/2022
Checked & Signed by HHJ on : 04/07/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 05.07.2022 AT 04:30 NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	02/07/2022
JUDGEMENT/ORDER signed by P.O. on	02/07/2022
JUDGEMENT/ORDER uploaded on	05/07/2022 Corrected ABA No. in Operative part and uploaded.