



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

ANTICIPATORY BAIL APPLICATION NO. 1974 OF 2022

IN

(C.R. No. 2215 of 2022 of Sakinaka Police Station, Mumbai)

- 1) **Mr. Ajay Dinkar Tambe,**
Age : 31 yrs., Occupation : service,
R/o :Flat No. 402, Gayatri Society,
Lake Road, Sadan wadi,
Nr. Bhandup Police Station, Bhandup (W),
Mumbai : 400 078

- 2) **Mrs. Vijaya Dinkar Tambe,**
Age : 69 yrs., Occupation : Housewife,

- 3) **Mrs. Monika Akshay Tambe,**
Age : 33 yrs., Occ : service,

- 4) **Mr. Akshay Dinkar Tambe,**
Age : 33 yrs., Occupation : service,
Applnts no. 2 to 4 R/o : Flat No. 1202,
Khitij Vivanta CHS., Lake Road,
Sadan Wadi, Near Bhandup Police Station,
Bhandup (W),
Mumbai : 400 078

..Applicants

Vs

**The State of Maharashtra
(through Sakinaka Police Station)**

..Respondents

Ld. Adv. Mahendra Bavkar, for the applicants.
Ld. APP P.K. Mahajan, for the State.

**CORAM : H.H. THE ADDITIONAL SESSIONS JUDGE
R.M. MISHRA
(C.R.NO.4)**

DATE : 2nd February, 2023

ORAL ORDER

This is an application for grant of anticipatory bail under section 438 of Cr.P.C., in connection with C.R. No. 2215 of 2022, registered with Sakinaka Police Station for the offences punishable under sections 498-A, 406, 323, 504, 506 read with section 34 of the Indian Penal Code.

2 On 12/11/2022, at the instance of the complainant, aforesaid offence came to be registered.

As mentioned in the FIR, marriage between the complainant and her husband was solemnized on 13/03/2022. In the marriage both parties incurred marriage expenses equally. The complainant was given gold and silver ornaments and other household articles of more than Rs. 5,00,000/- by her parents. After marriage the complainant was residing along with her husband in a rental house in Bhandup and they used to go to the house of her parents-in-law for taking meal. The complainant had also purchased one AC for her matrimonial house. Before the marriage the complainant was assured by her in-laws that they would purchase a new house for their separate residence, no any house came to be purchased by them. On the other hand, the applicants got sanctioned loan of Rs. 88,00,000/- in the name of the complainant for

purchasing a new house and also insist the complainant for bringing remaining amount from her parents. The complainant came to know that her husband is addicted to liquor, *ganja* and cigarette. Upon resistance by the complainant, her husband used to cause beating to her. The mother-in-law of the complainant also used to insist her to bring money from her parents to purchase a new house. The younger brother of her husband and his wife had stopped talking with the complainant on the count that the complainant is not providing household expenses. When the complainant had been to her parents house for taking rest due to typhoid, her husband and parents-in-law asked her to bring money from her parents for purchasing new house and threatened to return her articles if she would not fulfill their demand. When the complainant came to her matrimonial house along with her parents, her husband and mother-in-law raised quarrel with them. They had also pressurized the complainant to sell her ornaments. On the occasion of *Nag Panchmi* the complainant had been to her parents. Thereafter, when she came back she found her husband is lying in the house under the influence of liquor. Under mental stress the complainant tried to commit suicide by hanging herself. On being informed to her parents, the complainant was taken in hospital. However, nobody came to see the complainant when she was admitted in hospital. In spite of making an attempt by her parents to reconcile the matter, her husband and parents-in-law blamed the complainant. The husband of the complainant asked her to pay rent and other charges etc. if she wants divorce and also blackmailed her by giving threats to viral his recording of suicide by the complainant. The complainant, therefore, lodged the report in the police station.

3 Applicant no.1 is the husband, applicant no.2 is the mother-in-law, applicant no.3 is the sister-in-law and the applicant no. 4 is the brother-in-law of the complainant. By this application, the applicants have contended that the complainant is highly educated and greedy lady. She was ready to marry with the applicant no.1 when she came to know that her parents-in-law are purchasing property for him so that they can reside separately. However, after the marriage, the father of the applicant no.1 diagnosed to cancer, therefore, huge amount was spent for his medical treatment, therefore, the applicants could not purchase new property. Though the applicants tried to convince the complainant that at present they are unable to purchase new property, the complainant was not agreed and she had asked the applicants to borrow money from the brother of the applicant no.1. On refusal by the applicant no.1, the complainant started harassing him. Entire allegations levelled by the complainant are false. The complainant used to visit her parents house frequently. There was no issue of interaction between the complainant and the applicants no. 2 to 4. The applicants are innocent and they have been falsely implicated. The applicants are ready to abide the conditions imposed by the Court. The applicants, therefore, prayed for their release on anticipatory bail.

4 The prosecution vide say Exh. 03 resisted the application mainly on the ground that gold and silver ornaments and household articles which were given to the complainant in the marriage are to be recovered and necessary information is to be elicited from the applicant.

5 After considering the submissions of both sides, I have also gone through case diary. Having regard to the entire facts and circumstances, it reveals that the marriage between the complainant and the applicant no.1 was solemnized on 13/03/2022 and the complainant co-habited with the applicant no.1 till 05/08/2022. During this period, the complainant was residing separately along with her husband and she used to go to her in-laws house for taking meal only. These circumstances indicate that the complainant was not residing jointly with all the applicants. Whatever allegations are made are pertaining to her husband and mother-in-law and there is no allegations of ill-treatment, harassment or demand against the applicants no. 3 and 4 except that the applicants no. 3 and 4 were not talking with her. After so-called incident dtd. 05/08/2022, the complainant is staying at her parents house. However, FIR came to be lodged on 12/11/2022.

6 As discussed earlier, the prosecution has resisted the application mainly on the ground that gold and silver ornaments and household articles of the complainant are to be recovered which are misappropriated by the applicants. However, this cannot be the ground to deny pre-arrest protection to the applicants. The complainant can avail this remedy by filing appropriate proceeding before the Competent Forum for the recovery of ornaments and stri-dhana from the applicants. There is nothing on record to show earlier criminal antecedents of the applicants. In these circumstances, if certain conditions are imposed while granting anticipatory bail to the applicants, in my view, purpose will be served. In this view of the matter, following order is passed :

ORDER

1) Application under section 438 of the Code of Criminal Procedure for the grant of anticipatory bail is allowed.

2) In the event of arrest of the applicants 1) **Ajay Dinkar Tambe**, 2) **Mrs. Vijaya Dinkar Tambe**, 3) **Mrs. Monika Akshay Tambe** and 4) **Akshay Dinkar Tambe**, in connection with C. R. No. 2215 of 2022, registered with Sakinaka Police Station for the offences punishable under sections 498-A, 406, 323, 504, 506 read with section 34 of the Indian Penal Code, they be released on bail, on their executing PR Bond of Rs. 15,000/- each (Rupees Fifteen Thousand Only), with one solvent surety in the like amount, on the following conditions-

a) The applicant no.1 shall attend police station on every Sunday between 10.00 hours to 12.00 hours and shall co-operate the Investigating Agency as and when called upon until filing charge-sheet.

b) The applicants no. 2 to 4 shall remain present in the police station as and when called upon by the Investigating Officer and shall co-operate the Investigation agency until filing charge-sheet.

c) The applicants shall not attempt to pressurize the prosecution witnesses nor shall attempt to tamper with the evidence of prosecution in any manner.

d) The applicants shall furnish their proof of residence along with the proof of address of their native place to avoid the possibility of their absconding.

3) Concerned Police Station be informed accordingly.

4) Anticipatory Bail Application No. 1974 of 2022 is hereby disposed of accordingly.

sd/-

(R.M. Mishra)

Dt. 02/02/2023

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated on : 02/02/2023
Transcribed on : 02/02/2023
Checked on : 02/02/2023
Signed on : 02/02/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
03/02/2023 at 2.27 p.m. UPLOAD DATE AND TIME	Mrs. S.B. Vichare NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ R.M. Mishra, City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai (C.R.No. 04)
Date of Pronouncement of JUDGEMENT/ORDER	02/02/2023
JUDGEMENT/ORDER signed by P.O. on	02/02/2023
JUDGEMENT/ORDER uploaded on	03/02/2023