



**IN THE COURT OF SESSION AT GREATER BOMBAY**

**ANTICIPATORY BAIL APPLICATION NO. 2812 OF 2022  
(CNR NO. MHCC02-017200-2022)**

1. Mrunal Naresh Mehta )
2. Mr. Jay Naresh Mehta ) ... Applicants

**Versus**

**The State of Maharashtra** )  
(Through Santacruz Police Station ) ... Respondent

Ld. Adv. Vibha Mishra for Applicants.  
Ld. Adv. Divej Singh Rana for intervener.  
Ld. APP. Geeta Sharma for State / Respondent.

**CORAM : HER HONOUR THE ADDITIONAL SESSIONS  
JUDGE SMT. A. B. SHARMA (C.R. NO. 39)  
DATED : 27.01.2023.**

**ORDER**

The Applicants have moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 1158 of 2022 for the offences punishable under Sections 498(A), 406, 323, 504, 506 read with 34 of the Indian Penal Code registered at Santacruz Police Station, Mumbai.

2. Read application and Say (Exh. 04) of investigating officer filed through learned Additional Public Prosecutor. Perused the documents annexed with the application.

3. Heard Learned Advocate for the applicants and learned Additional Public Prosecutor.

4. The applicant No. 1 is mother-in-law and the applicant No. 2 is the husband of the informant. After marriage, the informant came to the house of the applicants for cohabitation. It is alleged that, the informant was subjected to cruelty at the hands of the applicants. It is further alleged that since 19.05.2018 till the lodging of FIR, the applicants harassed the informant mentally and physically on the count of not bringing money from her parents to repay the loan amount by abusing and beating the informant. It is also alleged that the applicant No. 1 has taken the Streedhan of the informant in her possession. It is further alleged that when the informant and applicant No. 2 started residing separately from the applicant No. 1, the maternal uncle of the applicant No. 1 has threatened the informant that he will abduct her and nobody will find her. It is also alleged that Kaushik Maniar and Naimesh Godiwala with the help of surrounding people disconnected the electricity supply, put cow-dung, leaving bandicoot rat in the house and also mentally harassed her so that the informant will leave her matrimonial house. It is further alleged that Naimesh Godiwala abused the informant. Therefore, she lodged report against the applicants.

5. The documents annexed with the application indicate that prior lodging of FIR, Notices were exchanged between the parties. It appears that the present offence is arising out of matrimonial dispute. The material investigation in respect of the applicants is almost completed. They have already joined in the investigation after grant of ad-interim protection. The offence is non-bailable and the applicants have reasonable apprehension of their arrest at the hands of police. So

far as the recovery of Streedhan is concerned, the informant is having remedy to recover it by filing separate proceedings. It is well settled that, only for the purpose of recovery of Streedhan, the application for pre-arrest bail cannot be rejected. Considering the nature of offence, I am of the view that the applicants have made out their case for grant of pre-arrest bail. Hence, I proceed to pass following order :-

**OPERATIVE ORDER**

1. The Anticipatory Bail Application No. 2812 of 2022 is hereby allowed.
  
2. The ad-interim protection already granted to the applicants on 26.12.2022 is hereby made absolute on the following modified conditions: :-
  - a. The applicants shall not leave India without prior permission of the Court.
  
  - b. The applicants shall submit the proof of their residential address, phone number, Aadhar Card and Election Card, if any.
  
  - c. The applicants are directed to co-operate during course of investigation within 3 days from the date of this order and also to attend the police station as and when called by the Investigating Officer.
  
  - d. The applicants are further directed not to tamper with the prosecution witnesses in any manner.

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3. The Anticipatory Bail Application stands disposed off.



**(A. B. SHARMA)**

Additional Sessions Judge  
City Civil & Sessions Court  
Greater Bombay.

Date :- 27.01.2023.

Dictation Typed on : 27.01.2023.

Checked & Signed on : 18.02.2023.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

18.02.2023 at 12.15 pm  
UPLOAD DATE AND TIME

(Y.M. SAKHARKAR)  
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	<b>SMT. A. B. SHARMA</b> (C.R. NO. 39)
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Date of Pronouncement of JUDGMENT/ ORDER	27.01.2023
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JUDGMENT/ORDER signed by P.O. on	18.02.2023
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JUDGMENT/ORDER uploaded on	18.02.2023
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