



**ORDER BELOW EXH.1 IN ANTI. BAIL APPLICATION NO.3299/2021**  
(CNR NO.MH01-006742-2021)

1] This is bail application filed by applicant Vijay Mallanna Allovalla u/s.438 of Cr.P.C. in respect of C.R.No.I-323/2021 registered at Bhiwandi City police station u/s. 498-A, 377, 323, 504,& 506 r/w 34 of Indian Penal Code.

2] Prosecution story, in brief, is as under :-

The complaint is filed by the complainant namely; Arpita Vijay Allovalla resident of Padmanagar, Bhiwandi, on 11/09/2021. As per her complaint, she married with the applicant on 27/05/2010. At the time of marriage, gold ornaments and cash was given by her parents. She blessed with a female child on 08/05/2011 but the in-laws were not happy with this. They made demand of Rs. 10 Lac as a dowry. Rs. 2 Lac were given by complainant's father and shown inability to fulfill remaining demand. She was not taken back after delivery for three months. Then on negotiations, she returned to her in-laws. But after some period, ill-treatment was started. She was abused by her husband, mother-in-law and other members in the family. Her husband was keeping unnatural relations with her and used to show pornography videos to her and was expecting from her to act accordingly. Again she returned to her parents, again meeting was taken place and this was going on repeatedly. Then, she went to maternal home on 08/04/2019. Her streedhan articles were retained by her in-laws. Lastly she lodged complaint and on its basis, aforesaid crime is registered.

3] The applicant moved this application for bail on grounds mentioned in application. I.O. and A.P.P. opposed application with submission that the offence is serious, accused is absconded, he has not co-operated in investigation, his medical examination is necessary, detail investigation is to be done.

4] I heard the submissions of Ld. Counsel Shri P.R. Pandey for applicant and Ld. A.P.P. Ms. Mhatre for the State. Perused diary.

5] Ld. Counsel for the applicant argued that there is delay of three years in lodging the complaint. No prompt complaint was lodged even after alleged continuous harassment, nothing is to be recovered. It is submitted that the applicant have filed divorce petition, and therefore, now the complainant have filed this false complaint. She has received regular amount for expenditure from the applicant. The applicant is ready to co-operate in investigation and custodial interrogation is not necessary.

6] Ld. A.P.P. argued that recovery of ornaments is to be done, detail investigation is necessary and custody is required.

7] The allegations regarding ill-treatment about physical and mental and demand of dowry and though the complainant mentioned certain instances in complaint, she left home in 2019 but lodged complaint after considerable delay. She mentioned about keeping ornaments by her in-laws and for recovery purpose custody is shown required by the I.O. The allegations regarding unnatural intercourse are levelled coupled with showing porn videos. The medical examination is also shown necessary but the incident happened long back. Considering the allegations on record and the delay caused, the nature of allegations levelled by the complainant, in my view, this is a case to be considered

for grant of anticipatory bail subject to condition of co-operation in investigation, deposit of mobile instrument to police, regular attendance for investigation and for medical examination. Hence, the following order.

**: O R D E R :**

- 1] Anticipatory bail application is allowed.
- 2] In the event of arrest, the applicant Vijay Mallanna Allovalla in respect of C.R.No.I-323/2021 registered at Bhiwandi City police station u/s. 498-A, 377, 323, 504,& 506 r/w 34 of Indian Penal Code be released on bail on his executing P.B. & S.B. of Rs.20,000/- with one or two sureties of like amount.
- 3] The applicant shall attend the concerned police station on every Tuesday from 9.00 a.m. to 12.00 noon for three weeks and shall cooperate in investigation.
- 4] The applicant shall also submit himself for medical examination if asked by I.O.
- 5] The applicant shall also submit his mobile instrument to I.O. for verification.
- 6] The applicant shall not pressurize and threaten witnesses.

Date-08/10/2021.  
Thane.

(S.P. Gondhalekar)  
Additional Sessions Judge, Thane.