

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 801 OF 2015

1	Manish Lakshmichand Dodeja.	
2	Lakshmichand Ramchand Dodeja.	
3	Kalpana Lakshmichand Dodeja.	
4	Ms. Sheetal Lakshmichand Dodeja.	
5	Ms. Deviyani Lakshmichand Dodeja.	
6	Ms. Divya Vinod Chugh.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

Mr. Virendra V. Pethe, advocate for Applicants.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 20, 2015

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicants are apprehending their arrest in
Crime No. 27 of 2015 registered at Kopari Police Station pursuant to

the directions under section 156(3) of the Code of Criminal Procedure, 1973. The complainant has filed a complaint before the Chief Judicial Magistrate, Thane on 6th December, 2014 alleging therein that she was a student pursuing her education in K.B. College at Thane in Commerce faculty. She had met the applicant through common friends. That the applicant No. 1 had shown his interest in her. Initially she had rejected the proposal. However, the present applicant No.1 is alleged to have indulged into stalking and was insisting upon her to accept the proposal of marriage or she would be kidnapped. According to her, on 11/7/2014 when she was on her way to college, the present applicant No. 1 alongwith his relatives had kidnapped her and they had taken her to Thane by local train and then to Kalyan. It is alleged that all accused in conspiracy to each other have kidnapped her and compelled her to marry. It is alleged that the complainant was forcibly taken to Sumangal Vedic Vivaah, Panchvati, Nasik and rituals of marriage had taken place. According to her, all the rituals were performed against her wish. After marriage, she was forced to consummate the marriage at the house of

the present applicant No.1. Therefore, she filed a complaint, on the basis of which Crime No. 27 of 2015 is registered for offence punishable under Section 120(B), 366, 368, 376, 387, 506 read with Section 34 of the Indian Penal Code.

3 Perused the papers of investigation. The investigating officer has collected records from Sumangal Vedic Vivaah Sanstha wherein it is shown that the complainant had voluntarily submitted her documents and also had given an affidavit. The marriage had taken place on 11/7/2014. The photographs of marriage would clearly show that the complainant had voluntarily got married to the applicant No. 1 and that the family members of the applicant No. 1 had attended the said marriage.

4 The learned Counsel for the applicant rightly submits that the complainant had eloped from her house since her parents were against the said marriage. Subsequently, she was coerced by her

parents to file report against the present applicant No. 1 and his family members.

5 In view of this, the applicants deserve pre-arrest bail.

6 The observations made hereinabove are prima facie in nature. The same shall not be considered while deciding the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits in accordance with law.

7 Hence, the following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- each and one or two sureties in the like amount.

(iii) The applicants shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of their capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)