

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1466 OF 2016

Rahul S/o Bhaidas Ramraje
Age : 30 years, Occu.: Service,
R/o Shivparvati Apartment,
Shivainagar, Thane, Dist. Thane

.. Applicant
(Orig. Accused)

Vs.

The State of Maharashtra
Through Police Station,
Dhule City, Dist. Dhule

.. Respondent

Mr. V.P. Latange, Advocate h/f. Mr. Balaji S. Shinde,
Advocate for the applicant

Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

Mr. S.P. Tiwari, Advocate for assist to A.P.P.

CORAM : M.T. JOSHI, J.

DATE : 02/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending arrest at the hands of Dhule City Police Station, Dist. Dhule in crime no. 239 of 2015 for the offences punishable under section 420, 323, 504, 506 of the Indian Penal Code and under section 3, 4 of the Dowry Prohibition Act, is praying for his release on bail, in the event of his arrest.

3. The complaint filed by the father of the would

be bride, would show that the marriage between his daughter Sujata and the present applicant was agreed to be performed. Accordingly, the engagement took place on 07/06/2015. A gold finger ring weighing 10 gm and Rs.10,000/- for clothes were gifted to the present applicant. The clothes for the marriage were agreed to be purchased and for that purpose, on 01/11/2015, amount of Rs.1,50,000/- was also paid to the father of the present applicant.

. Further, when all the relatives went to Thane to purchase the clothes, at that time, on certain pretext, clothes were not purchased and the amount was kept by the side of the applicant. Only certain gold ornaments were booked in the name of the applicant. Thereafter, on 03/11/2015 and 05/11/2015, the mother as well as the relatives of the present applicant informed the complainant that they did not like his daughter since she was of black complexion and the marriage would be solemnized, only if the amount of Rs.15 Lakhs would be paid.

. In the situation, the complainant's daughter filed an application before the Women Grievance Cell,

Dhule on 11/12/2015 and the next date was 19/12/2015 before the said authority. However, on 19/12/2015, the applicant as well as his relatives refused to have the marriage. Thereafter, on the very same day at 4.00 pm, all the accused named in the complaint as well as the other relatives came to his house. They threatened the complainant. Other accused slapped the complainant as well as his relatives and went away. Therefore, the crime came to be registered.

4. Learned counsel for the applicant submits that the present applicant is serving in the United States of America. It is an admitted fact that even the gold ornaments were booked from the money advanced by the present applicant. Statement of the complainant's daughter recorded before the Women Grievance Cell at Exhibit "C", would show that for purchase of gold, card of the present applicant was used by his sister Vijaya, as the applicant was in the U.S.A. He further submits that the statement of the witnesses, in whose presence the amount was refunded, would also show that the money was also repaid.

. He further submits that unfortunately as the marriage could not be performed, therefore, a false complaint has been filed against the applicant.

5. Learned A.P.P. as well as learned counsel assisting the A.P.P. opposed the application. It was submitted that one of the statements recorded by the Investigating officer would show that the money is not repaid. It was further submitted that there are definite allegations that not only the money is not repaid, but on the day of appearance before the Women Grievance Cell, the present applicant and his relatives barged in the house of the complainant and has committed the offence, as detailed supra. They therefore submitted that the application be dismissed.

6. Upon hearing both sides, in my view, the averments would show that the marriage between the applicant and the daughter of the complainant could not be solemnized due to certain problems. According to the complainant, the reason was that later-on the applicant and his relatives stated that they did not like the daughter of the complainant since she was of

black complexion and became ready for the marriage only if Rs.15 Lakhs are paid. There is material to show that the amount was returned by the applicant. The admitted facts would show that the card of the present applicant was used for purchase of gold ornaments at Thane. Even the statement at Exhibit "C" of the daughter of the complainant, would show that the clothes could not be purchased as the same were not of the choice.

7. If all these facts are taken into consideration, in my view, the custodial interrogation of the present applicant is not required. In the circumstances, the following order:-

8. Interim protection granted to the applicant by this Court vide order dated 09/03/2016 is hereby made absolute on the same terms and conditions.

9. Application stands disposed of accordingly.

Sd/-
[M.T. JOSHI]
JUDGE

arp/