

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION No.486 OF 2016

Krishna Manik Jadhav .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.K.U.Nikam, Advocate, for the Applicant

Mr.D.P.Adsule, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. Learned APP has tendered an Affidavit
of Mr.R.D.Pathan, PSI who is attached to the
Sadar Bazar Police Station, Solapur. The same is
taken on record.

3. By this application, the applicant
seeks pre-arrest bail in connection with the CR
No.347 of 2015 registered with the Sadar Bazar

Police Station, Solapur for the offences punishable under sections 420, 323, 504 and 506 r.w. With 34 of the Indian Penal Code.

4. According to the complainant, she got acquainted with the applicant, through the Social Media site i.e. Shadi.com, on 01.12.2014. She has stated that the applicant, in his profile had falsely stated that he was unmarried. According to the complainant, the applicant had, from time to time, taken money to the tune of Rs.1,98,000/- from her. She has stated that the applicant thereafter, refused to perform marriage with her, pursuant to which, she lodged the aforesaid complaint.

5. Learned counsel for the applicant submitted that although, the applicant had on his profile disclosed that he was unmarried, the complainant was aware that he was married, as she had learnt about the same, from the

applicant's mother. He submitted that the applicant does jewellery business and that the applicant himself, had made certain payments to the complainant and her father, for the complainant's sisters medical treatment. He has tendered a xerox copy a deposit slip to show, that Rs.25,000/was deposited by him, in the account of the complainant. He submits that the applicant has also filed a private complaint against the complainant and that the Learned Magistrate has passed an order under section 156(3) Cr.P.C, in the said case and an FIR is registered as against the complainant for the alleged offences punishable under sections 417, 420, 448 and 506 of the Indian Penal Code.

6. Learned APP submits that the Complainant had deposited a sum of Rs.79,000/- in the account of the Applicant, which was maintained with the ICICI Bank. He submitted that during the course of investigation, it was

revealed that the Complainant on the instructions of the Applicant, had given cash of Rs.5,000/- to Sunil Gajale, who deposited the same in his relative's (Chandrakant Naik's) account and that the said Chandrakant Naik had withdrawn the said amount of Rs.5,000/- and handed it over to the Applicant. He further submitted that the Applicant had given false information on the website that he was unmarried and as such, has cheated the Complainant.

7. Perused the papers. It appears that there was some monetary transaction between the parties. It also appears that the Applicant had falsely stated on the website that he was unmarried. The complaint was lodged only as the Applicant refused to perform marriage with her. The only non-bailable section is 420 of the IPC. There are no allegations of rape qua the Applicant.

8. Considering the aforesaid, the Applicant is granted anticipatory bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Sadar Bazar Police Station, Solapur on every Saturday for a period of six months between 10.00 a.m. and 11.00 a.m. or till the filing of the charge-sheet whichever is earlier;

(iii) The applicant to cooperate in the conduct of the trial.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations

made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)