

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 166 OF 2017

1) Mrs. Sangita Suresh Sapkal)	
2) Shri Suresh Rajdhar Sapkal)	
3) Shri Samanta Suresh Sapkal)	
4) Ms. Bhumika Narendra Sapkal).	Applicants
Vs.	
The State of Maharashtra	Respondent
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Mr. V.K.Dubey, Advocate for the applicants.

Mrs.P.P.Shinde, APP, for the State.

Mr. S.B.kadam, API, Kopri Police Station, Thane City. present.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 31st January, 2017.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.

The applicants herein are apprehending their arrest in Crime No.121 of 2016 registered at Kopri Police Station, Thane, for the offences punishable under Sections 420, 406, 409, 467, 468, 120B, 386, 427, 211 of the Indian Penal Code.

2. It is the case of the prosecution that on 13.12.2016, Gopal Koli lodged a report at the police station alleging therein that his daughter Dhanashree had attained a marriageable age. He therefore had requested his relatives to search for an appropriate groom. It is alleged that the

proposal was received from Neeraj Suryawanshi who happens to be the son of Dr. Suresh Suryawanshi. The proposal was accepted. The betrothal ceremony was performed. It is alleged that Dr. Suryawanshi had insisted upon the complainant to give a flat. They were to get their son married to some other girl. The relatives were apprised of the said demand. Subsequently, the complainant had learnt that on 3.8.2013, Nilesh was married to Mamta @ Mumtaz at Nashik and that it was a registered marriage and that Nilesh is father of an 11 month old child. On the basis of the report, Crime No.121 of 2016 was registered. The applicants herein are the relatives who had suggested the proposal of Suryawanshi. It is the case of the prosecution that the present applicants had attended the betrothed ceremony. It is in these circumstances the police have added Section 494 of IPC and have deleted Section 409 of IPC. It cannot be said that the present applicants were aware of the first marriage of Nilesh. In any case, the offence under Section 494 of IPC is not made out and no report under Section 154 of Cr.P.C. can be filed for an offence under Section 494 of IPC. The applicants deserve to be granted pre-arrest bail.

3. It is made clear that the observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or

at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)