

Anand

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

ANTICIPATORY BAIL APPLICATION NO.775 OF 2017

Rahul Laxman Sharma

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Mr. N. Mundargi a/w Ms G. Dubhash i/b. Mr. D. P. Jaiswal, Advocate,
for the Applicant

Mr. R. Salvi, APP, for the Respondent No.1 – State

Mr. V. B. Ghorpade, Advocate, for the Respondent No.2

CORAM : REVATI MOHITE DERE, J.

DATE : 25.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.89 of 2017 registered with the Dharavi Police Station, for the alleged offences punishable under Sections 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Complainant aged 32 years was a divorcee. He submitted that the Complainant met the Applicant aged 22 years and their friendship

developed into a love affair. Learned counsel for the Applicant submitted that the Applicant and the Complainant got married in 18.07.2016, as the Complainant was threatening to commit suicide, and that the Applicant's family was unaware of the same. He submitted that after marriage, the Applicant gave the Complainant a sum of Rs.2,00,000/-. According to the learned counsel for the Applicant, when the Applicant and his family learnt about the Complainant's previous marriage, they realized that the Complainant had cheated the Applicant and had suppressed the fact, that she was already married. He submitted that as a counter blast thereto, the aforesaid complaint was lodged.

4. Learned APP opposes the Application. Learned counsel for the intervenor also supported the learned APP. According to the learned counsel for the intervenor, there is a one and a half year old child born from the said wedlock i. e. between the Applicant and the Complainant.

5. Perused the papers, in particular, the complaint. The Complainant was married to one, Amit Kumar in 2011 and was staying with him at Dharavi. According to the Complainant, her husband left her in 2014 and went to Uttar Pradesh. She has further alleged that the Applicant and she became friendly and their friendship developed into a

love affair; that she had physical relations with the Applicant and that on one occasion she was pregnant and had to undergo abortion; and that she took divorce from her husband and got the document notarized, pursuant to which, she got married to the Applicant on 18.07.2016. She has stated that after marriage, the Applicant's family started putting pressure on her and the Applicant and were asking her to give divorce and even offered her Rs.5,00,000/-. She has stated that the Applicant's family would verbally abuse her. She has further alleged that 02.01.2017, the Applicant and his brother came home and forcibly took all the documents and Mangalsutra from the house. The Applicant was protected by an interim order dated 03.05.2017 till today.

6. In the peculiar facts of this case, custody of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conclusions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating

officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate in the conduct of the trial.

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

8. 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.)