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

ANTICIPATORY BAIL APPLICATION NO.1173 OF 2017

Umesh Arvind Pujari	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.K.S.Patil, for the Applicant

Ms.P. P. Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-218 of 2016 registered with the Malegaon Taluka Police Station at Malegaon, District – Nashik, for the alleged offences punishable under Sections 366 and 376 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant is a priest performing religious activities in Kalaram Mandir Temple at Nashik. He submits that the applicant also performs marriage ceremonies and other Hindu Religious activities. He submits that the only allegation, qua the applicant is that he performed the marriage between the complainant and the original accused no.1 – Sandeep Pawar on 11th February, 2015 at the temple. He submits that admittedly, the complainant and the original accused no.1 – Sandeep Pawar, are adults and that both the parties had filed affidavits stating therein, that they were getting married on their own accord. He submits that the complainant and the original accused no.1 – Sandeep had also filled-in a form, which is required for registration of the marriage.

4. Learned APP does not dispute the fact that the applicant is only a poojari who performs religious activities in Kalaram Mandir Temple at Nashik. She also does not dispute the fact, that both the complainant and the original accused no.1 – Sandeep, are adults.

5. Perused the papers. The complainant and Sandeep got married

on 11th February, 2015, in the presence of the witnesses. The applicant performed the marriage between the complainant and Sandeep and accordingly issued an acknowledgment that their marriage was solemnized on 11th February, 2015. It also appears that the parties had filed their affidavits and had submitted the requisite documents i.e. pan card and aadhar card alongwith the affidavits. It also appears that the said fact, that the marriage was performed was entered into by the applicant in the Register. *Prima-facie*, it is doubtful, whether either of the offences are made out, as against the applicant.

6. Considering the aforesaid, custody of the applicant is not required. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the

concerned Police Station as and when called, for a period of one month from today.

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 are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)