

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

ANTICIPATORY BAIL APPLICATION NO.220 OF 2018

Mr. Atmaram Ramu Jadhav & Ors. Applicants

Vs.

The State of Maharashtra Respondent

Mr. D.S. Mhaispurkar for the Applicants.

Mr. S.H. Yadav APP for the State.

Mr. S.K. Pawar, Havildar, Chakan Police Station, Pune Gramin present

Coram : *Smt. Sadhana S. Jadhav, J.*

Date : 6th February, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.66 of 2018, registered at Chakan Police Station for the offences punishable under Sections 406, 420 read with 34 Indian Penal Code.

3 It is the case of the prosecution that on 15th January 2018, Kaluram Dagdu Nalawade lodged a report at the police station

alleging therein that the marriage between his daughter Aishwarya and the son of applicants no.1 and 2 was fixed. That the invitation cards were printed and distributed. Surati Hall at Pune was booked for marriage. The betrothal ceremony had taken place on 6th August, 2017 and at that time, the daughter of the complainant and the son of the applicant nos.1 and 2 had exchanged gold rings. The marriage was scheduled to be performed on 12th December 2017. It appears that the son of applicant nos. 1 and 2 was in love with another girl. He was not happy with the present wedding and therefore on 28th October 2017, Nikhil i.e. son of applicant nos.1 and 2 had eloped with another girl and hence the applicants have committed an offence punishable under Sections 406 and 420 Indian Penal Code. According to the complainant, the golden ornaments were also exchanged, a bracelet was to be gifted to Nikhil, however, receipts were prepared in the name of applicant no.1.

4 Learned counsel for the applicants submits that in fact the applicants also had no knowledge that Nikhil was in love with another girl and that he would elope and refuse to get married Aishwarya on the scheduled date and they cannot be punished for the act of their son. Taking into consideration the nature of the allegations levelled against the applicants and the submissions advanced across the bar, this Court is of the opinion that the applicants herein deserve to be protected by grant of pre-arrest bail.

5 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

- 1 The application is allowed.
- 2 In the event of arrest, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.15,000/- each with one or more solvent sureties in the like amount.
- 3 The applicants shall report to the police station as and when called and co-operate the investigating agency.

(Smt. Sadhana S. Jadhav, J)