

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL REVISION APPLICATION NO.168 OF 2017**

Shyamsundar s/o Nathulaji @ Nanulal
Vedmuttha (Jain),
Age-57 years, Occu:Business,
R/o-R.K. Patel Nagar, Dhule Road,
Amalner, Tq-Amalner, Dist-Jalgaon.

...APPLICANT

(Orig. First Informant)

VERSUS

- 1) Suganchand s/o Manakchand Deoda,
Age-70 years, Occu:Business,
R/o-Mahavir Marg, Nehru Chowk,
Karanja Lad, Tq-Karanja Lad,
Dist-Washim,
- 2) Vinod s/o Vasanttrao Jadhav,
Age-41 years, Occu:Service Driver,
R/o-Bhadshivani, Tq-Karanja Lad,
Dist-Washim,
- 3) Rupesh s/o Rameshchandra Baheti,
Age-41 years, Occu:Business,
R/o-Nagar Parishad Colony,
Karanja Lad, Tq-Karanja Lad,
Dist-Washim,
- 4) Mrs. Rupali Rupesh Baheti,
Age-40 years, Occu:Business,
R/o-Nagar Parishad Colony,
Karanja Lad, Tq-Karanja Lad,
Dist-Washim,

(Orig. Accused)

- 5) The State of Maharashtra,
Through Police Station, Amalner,
Tq-Amalner, Dist-Jalgaon.

...RESPONDENTS

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Mr.Chaitanya C. Deshpande Advocate for
Applicant.

None present for Respondent Nos.1 to 4.

Mr.S.Y. Mahajan, A.P.P. for Respondent No.5.

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WITH

CRIMINAL REVISION APPLICATION NO.169 OF 2017

Shyamsundar s/o Nathulaji @ Nanulal
Vedmuttha (Jain),
Age-57 years, Occu:Business,
R/o-R.K. Patel Nagar, Dhule Road,
Amalner, Tq-Amalner, Dist-Jalgaon.

...APPLICANT

(Orig. First Informant)

VERSUS

- 1) Sunilchand Dulichand Lodha,
Age-60 years, Occu:Agriculturist,
R/o-Professor Colony,
Karanja Lad, Tq-Karanja Lad,
Dist-Washim,
- 2) Mrs. Aruna Sunlichand Lodha,
Age-56 years, Occu:Household work,
R/o-Professor Colony, Karanja Lad
Tq-Karanja Lad, Dist-Washim,

- 3) Vinay Sunil Lodha,
Age-27 years, Occu:Service,
R/o-Professor Colony,
Karanja Lad, Tq-Karanja Lad,
Dist-Washim,

(Orig. Accused)

- 4) The State of Maharashtra,
Through Police Station, Amalner,
Tq-Amalner, Dist-Jalgaon.

...RESPONDENTS

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Mr.Chaitanya C. Deshpande Advocate for
Applicant.

None present for Respondent Nos.1 to 3.

Mr.S.Y. Mahajan, A.P.P. for Respondent No.4.

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WITH

CRIMINAL REVISION APPLICATION NO.170 OF 2017

Shyamsundar s/o Nathulaji @ Nanumal
Vedmuttha (Jain),
Age-57 years, Occu:Business,
R/o-R.K. Patel Nagar, Dhule Road,
Amalner, Tq-Amalner, Dist-Jalgaon.

...APPLICANT

(Orig. First Informant)

VERSUS

- 1) Prakashchand s/o Uttamchand Parakh,
Age-70 years, Occu:Business,
R/o-Lakhani Chowk, Malkapur,
Tq-Malkapur, Dist-Buldhana,

- 2) Bhavana w/o Bharat Parakh,
Age-25 years, Occu:Household Work,
R/o-Lakhani Chowk, Malkapur,
Tq-Malkapur, Dist-Buldhana,
- 3) Kismat s/o Nathuramji Borele,
Age-48 years, Occu:Business,
R/o-Tulip Apartment, Rajapeth,
Amravati, Tq. & Dist-Amravati.

(Orig. Accused)

- 4) The State of Maharashtra,
Through Police Station, Amalner,
Tq-Amalner, Dist-Jalgaon.

...RESPONDENTS

...

Mr.Chaitanya C. Deshpande Advocate for
Applicant.

None present for Respondent Nos.1 to 3.

Mr.S.Y. Mahajan, A.P.P. for Respondent No.4.

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CORAM: V.M. DESHPANDE, J.

DATE : 29TH MARCH, 2019

ORAL JUDGMENT :

1. Criminal Revision Application No.168 of 2017 questions the correctness of the order passed by learned Additional Sessions Judge-1, Amalner on 28th June, 2017 in Bail Application No.72 of 2017, by which the learned Additional Sessions Judge,

Amalner granted anticipatory bail in favour of Respondent Nos.1 to 4 in connection with Crime No.130 of 2017 registered with police station, Amalner, for the offence under Section 406, 417, 420 read with Section 34 of the Indian Penal Code.

2. Criminal Revision Application No.169 of 2017 questions the correctness of the order passed by learned Additional Sessions Judge-1, Amalner on 29th June, 2017 in Bail Application No.73 of 2017, by which the learned Additional Sessions Judge, Amalner granted anticipatory bail in favour of Respondent Nos.1 to 3 in connection with Crime No.130 of 2017 registered with police station, Amalner, for the offence under Section 406, 417, 420 read with Section 34 of the Indian Penal Code.

3. Criminal Revision No.170 of 2017 questions the correctness of the order passed by learned Additional Sessions Judge-1, Amalner on

29th June, 2017 in Bail Application No.71 of 2017, by which the learned Additional Sessions Judge, Amalner granted anticipatory bail in favour of Respondent Nos.1 to 3 in connection with Crime No.130 of 2017 registered with police station, Amalner, for the offence under Section 406, 417, 420 read with Section 34 of the Indian Penal Code.

4. Since all these Applications are arising out of one and the same Crime, all these Applications are being disposed of by this common Judgment and order.

5. Rule. Rule is made returnable forthwith and heard finally with the consent of the parties.

6. Heard Shri Chaitanya Deshpande, the learned counsel for the Applicant and Shri S.Y. Mahajan, the learned Additional Public Prosecutor for the State. The counsel for accused chose not

to remain present when these Revisions were taken up for hearing.

7. These Revisions are classic example to show that how if the matrimonial tie is not materialized, the side of the bride goes to an extent of roping even the driver of the proposed bride-groom that he demanded dowry.

8. Applicant Shyamsundar, a businessman, lodged a report with police station, Amalner. His report would show that his daughter attended marriageable age, therefore he started searching the suitable alliance for her. In search, he zeroed down on a proposal of one Lodha family from Karanja through the relatives. Accordingly, on 20th February, 2017, Sushil (proposed bride-groom), his family members and the present Respondents attended at his place and on the same day, i.e. on 20th February, 2017, engagement ceremony was

performed.

9. In Revision Application No.168 of 2017, Respondent No.1, according to the counsel for the Applicant, is the maternal uncle of Sushil, proposed bride-groom. Respondent No.2 is car driver of the proposed bride-groom. Respondent No.3 is friend of Sushil and Respondent No.4 is the wife of Respondent No.3.

10. In Revision Application No.169 of 2017, Respondent No.1, according to the counsel for the Applicant, is father of Sushil, proposed bride-groom. Respondent No.2 is mother of Sushil and Respondent No.3 is brother of Sushil.

11. In Revision Application No.170 of 2017, Respondent No.1, according to the counsel for the Applicant, is father in law of sister of Sushil, proposed bride-groom. Respondent No.3 is friend of

Sushil.

12. According to the First Information Report, some of the Respondents, who are the family friends of Sushil, have attended the engagement ceremony. It appears that, the same was the mistake on their part, since in the entire First Information Report, there are no allegations against them that they have demanded any amount from the first informant.

13. Be that as it may, according to the First Information Report, even the date of marriage was fixed and that was 19th June, 2017. However, according to the First Information Report, Sushil, proposed bride-groom, demanded Rupees Twenty Lakh from the first informant and that became a cause for snapping the proposed marital tie in between the girl of the first informant and Sushil. Resultantly, he filed First Information Report

naming the present Respondents also as an accused. Resultantly all the Respondents were required to move application for the relief of pre-arrest bail before the Court below, and the learned Judge of the Court below, after hearing the counsel for the Respondents and after perusing the investigation papers, in my view, rightly granted anticipatory bail in favour of the Respondents.

14. According to the first informant, proposed bride-groom, Sushil has made demand. Admittedly, Sushil is not before this Court as Respondent. Even it is not the case of the first informant that except Sushil, any of the family members of Sushil, or his friends, or car driver, has made demand.

15. Time and again the Hon'ble Apex Court is observing that now a days it has become tendency for roping all concerned of the bride-groom in the

offence. Such attitude on the part of the complainant needs to be deprecated.

16. All the Revision Applications are dismissed. Rule is discharged.

[V.M. DESHPANDE, J.]

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