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

ANTICIPATORY BAIL APPLICATION NO. 764 OF 2019

Rajendra Sakharam Pawar

..Applicant

Vs

The State of Maharashtra .

..Respondents

Mr. Viraj Kadam for the Applicant.

Mr. Ajay Patil, APP for the State.

Mr. Rajan Dhuri, PSI, Saki Naka Police Station is present.

CORAM : A.S.GADKARI, J.

DATE : 28th March 2019.

P.C.:

1] This is an application under Section 438 of Cr. P.C for pre-arrest bail in CR No.103 of 2019 dated 11.2.2019 registered with Saki Naka Police Station, Mumbai under Sections 420, 500 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The first information report is lodged by Shri Sitaram Jadhav, father of Ms. Smita Jadhav. It is the prosecution case that, the marriage between the the applicant and Ms. Smita Jadhav was arranged and was scheduled on 11.2.2019. The parents and/or family members of Ms. Smita

Jadhav made payment for the marriage hall and also incurred other expenses. It is stated that, total amount of Rs.1,79,000/- was spent by the parents of Ms. Smita. It is alleged that, on 8.2.2019 the applicant informed his decision of not marrying with Ms. Smita. The applicant did not return articles as well as amount incurred to the first informant In the premise the first information report is lodged.

4] The learned counsel for the applicant submitted that, the applicant has also spent Rs.80,000/- towards booking of the said marriage hall and also gave some articles to the Ms. Smita towards gift. He submitted that, the applicant hails from lower economical strata of the society and he may be protected by pre-arrest bail by allowing the present application.

5] The first informant has specifically stated that, a total sum of rs.1,79,000/- has been incurred by him towards booking of marriage hall and also gave gift articles to the applicant. That the applicant on 8.2.2019 has resiled from his obligation and caused defamation of Ms. Smita and her family in the society . The applicant did not return the aforestated amount to the parents of Ms. Smita. The said amount and articles gifted to the applicant are yet to be recovered. The investigation of the present crime is at nascent stage and unless through interrogation of the applicant is

conducted, the entire truth behind the crime cannot be unearthed.

6] In view of the above and after considering the gravity of offence, this Court is of the opinion that the applicant does not deserve to be protected by pre-arrest bail.

7] Application is accordingly rejected.

(A.S.GADKARI, J.)