

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (ABA) NO.22/2020

Vijay s/o Vitthal Bonde

..VS..

State of Mah., thr. PSO Khadan Akola, Taluka and District Akola

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri M.V.Rai, Counsel for the Applicant.
Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : FEBRUARY 3, 2020.

1. This is an application for grant of anticipatory bail. The applicant is apprehending his arrest in connection with Crime No.708/2019 registered with Khadan Police Station, Akola for offences punishable under Sections 498-A, 323, 342, 377, 420, 504, and 506 read with Section 34 of the Indian Penal Code.
2. Heard learned counsel Shri M.V.Rai for the applicant and learned Additional Public Prosecutor Shri N.R.Rode for the State.
3. Victim is close relative of the applicant. She used to reside at Kothari Watika, Malkapur, Akola. Complaint was lodged by victim herself on 24.12.2019 which was culminated into registration of offences. From the report, it is clear that prior to her marriage with Pankaj Kantilal Bafana, surname of victim was Dange. The First

Information Report, discloses that the applicant met Pankaj in a jail since both were lodged in jail as they were arrested in different crimes for offence punishable under Section 302 of the Indian Penal Code. Additional affidavit filed on behalf of the prosecution, shows that though the applicant stands acquitted for the said offence, however fact remains that he was arrested and he was lodged in a jail and during his stay in jail he met with Pankaj. Allegations against the present applicant is that he took Rs.5.00 lacs from Pankaj and, thereafter, marriage of victim was performed with him. Victim belongs to caste 'Kunbi' which is totally different from caste to which Pankaj belongs.

4. It is admitted before this Court that Pankaj is resident of village Pathardi, district Ahmednagar, which is far away place from the parental place of victim. It is also admitted before this Court that victim was not having any relation or connection with Pathardi. It is also admitted before this Court that marriage of victim with Pankaj was not love marriage. It appears that victim belongs to a poor family and was having sisters younger to her and marriageable. In such circumstances, *prima facie* weightage has to be given to the first information statement that when victim made enquiries with the applicant, he disclosed that he took Rs.5.00 lacs from her husband Pankaj and, thereafter, he performed her marriage with Pankaj.

5. Normally, without there being any connection whatsoever and when there was no love affair, it is very

difficult to digest that in our traditional society parents will be readily performing marriages of their daughters to almost unknown persons and unknown families and, therefore, in my view, at this stage no one should raise a doubt about the first information statement that upon enquiry the applicant disclosed to victim that he took Rs.5.00 lacs. In my view, the said is nothing but a sell of an unmarried girl.

6. It is brought on record that when the marriage of victim was performed with Pankaj, that time Pankaj was already married and there was no divorce between him and his first wife. Surprisingly, supplementary statement of victim shows that her husband Pankaj also married on 3rd occasion with one Poonam.

7. The First Information Report discloses a very serious offence of selling of a girl by the applicant and *prima facie* even provisions of Section 370 of the Indian Penal Code, as amended by law makers, should be invoked in this case against the present applicant.

8. In this view of the matter, in my view, it is not a case wherein this Court should exercise its discretion in favour of the present applicant. Hence, the criminal application stands rejected and disposed of as such.

JUDGE

!! BRW !!

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