

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.605 OF 2021

Sunil Bansilal Kochar,
Age : 51 years, Occu :Business,
R/o Balaji Nagar, Sillod,
Taluka Sillod,
District Aurangabad. ... Applicant.

VERSUS

State of Maharashtra
Through Police Station Officer,
Jamner Police Station, District
Jalgaon, District Jalgaon. ... Respondent.

...
Advocate for the Applicant : Mr. Satyajit S. Bora
APP for the Respondent – State : Mr. V. S. Badakh

...
CORAM : V. G. BISHT, J.
DATE : 30th AUGUST, 2021

PER COURT :-

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.41 of 2021 registered with Jamner Police Station, Jamner District Jalgaon for the offences punishable under Sections 406, 420 and 506 read with Section 34 of the Indian Penal Code, 1860.

2. It is the case of prosecution that as the informant's son namely, Rishabh was not getting any bride for marriage because of speaking disability, she approached the present

applicant and requested to search a bride for her said son. It is also alleged that Rs. 2,00,000/- was demanded by the applicant to work as a mediator. Applicant after acting as a mediator got informant's son married to one Pooja on 09.12.2020. However, on 29.12.2020 said Pooja was taken by her father under the pretext that grand-father of Puja was serious and wants to see her. On the next day informant realised that the gold ornaments given to Pooja were missing from their house. Even Pooja did not return their matrimonial home. Accordingly, the said offences came to be registered.

3. Mr. Satyajit S. Bora, learned counsel for the applicant, submits that having regard to the allegations made in the First Information Report, by no stretch of imagination it can be said that the applicant was responsible for co-accused (Pooja) leaving her matrimonial house. The role of the applicant was only to act as a mediator and help informant in getting her son married to Pooja. After the marriage, the role of applicant was over. Even it can not be said that the applicant deceived the informant. There being absolutely no *Prima facie* evidence against the applicant, the applicant deserves to be given benefit of pre-arrest bail, urged learned counsel.

4. Mr. V. S. Badakh, learned APP for the Respondent - State, on the other hand, opposed the submissions by contending

that it was at the instance of present applicant that the marriage was performed only to be later on deceived at the hands of accused. There is no merit in the application and the same is liable to be rejected, urged learned APP.

5. *Prima facie*, the ingredients of Section 406 and 420 are not attracted as far as the present applicant is concerned. The role of present applicant, who was a matchmaker, came to an end after the marriage of informant's son was solemnised with Pooja. There may be reason (s) for said co-accused Pooja to leave matrimonial home for which the present applicant cannot be held liable and that too criminally.

6. The applicant has made out a *prima faice* case for consideration and I am inclined to allow the present application.

7. In view of above, I pass the following order :

ORDER

1. The application is allowed.
2. Interim relief granted by this Court on 19.07.2021 is confirmed and made absolute.
3. The application is disposed off.

(V. G. BISHT)
JUDGE