

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 880 OF 2021

1. Shrihari Bhanudas Jadhav,
Age : 58 years, Occu. Retired
2. Sangita w/o Shrihari Jadhav,
Age : 50 years, Occ : Household,
Both R/o Chikli, Tq. & Dist. Osmanabad.
3. Prashant Shrihari Jadhav,
Age : 29 Years, Occu. Engineer,
R/o Gujrat.

... Applicants.

VERSUS

The State of Maharashtra ... Respondent.

...
Advocate for the Applicants : Mr. Satej S. Jadhav
APP for the Respondent – State : Mr. N. T. Bhagat
...

CORAM : V. G. BISHT, J.

DATE : 01st SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0477/2021, registered with Vivekanand Chowk Police Station Latur, District Latur for the offences punishable under Sections 376(2)(n), 420, 493, 495, 496, 506, 34 of the Indian Penal Code, 1860.

2. It is the case of prosecution that the informant was married to accused Pravin Shrihari Jadhav on 30.01.2021. Applicant Nos. 1 and 2 are her in-laws while applicant No. 3 is brother-in-law. The prosecution alleges that all the applicants were knowing that accused Pravin Shrihari Jadhav was earlier married to one Rama Uddhavrao Sarode and despite that the said fact was concealed from her family and thus committed cheating by marrying Pravin Shrihari Jadhav with her.

3. Mr. Jadhav, learned counsel for the applicants, submits that applicant Nos. 1 and 2 are in-laws and parents of accused Pravin Shrihari Jadhav, are resident of Chikhali, Taluka and District Osmanabad and are not residing with accused Prashant Shrihari Jadhav. They were not aware of the earlier registered marriage of Pravin Shrihari Jadhav with Rama Uddhavrao Sarode. Similarly applicant No. 3 being brother of accused Prashant Shrihari Jadhav is residing and doing a job in Gujrat since many years and, therefore, he has no concern with the incident.

4. Mr. N. T. Bhagat, learned APP, for the Respondent - State, on the other hand, opposed the submissions by submitting that applicants and other accused were in knowledge of the fact that Pravin Shrihari Jadhav was already married and

despite that they got him married with the informant. The investigation is in progress and therefore, the application deserves no consideration.

5. It may be true that the present applicants were having knowledge of earlier marriage of accused Pravin Shrihari Jadhav even then in my considered opinion their custody is not necessary for the investigation. At the most certain condition may be imposed on them while granting pre-arrest bail.

6. In view of this, I am inclined to allow the present application. Hence the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicants - (1) Shrihari Bhanudas Jadhav, (2) Sangita w/o Shrihari Jadhav and (3) Prashant Shrihari Jadhav herein in connection with Crime No. 0477/2021, registered with Vivekanand Chowk Police Station, Latur District Latur for the offences punishable under Sections 376(2)(n), 420, 493, 495, 496, 506, 34 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only], each with a surety in the like amount.
- (iii) The applicants shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- (iv) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**