

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

ANTICIPATORY BAIL APPLICATION NO. 1047 OF 2020

Illiya Mahamud Shaikh	 Applicant
versus	
The State of Maharashtra	 Respondent

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Mr. Ujwal Agandsurve, for Applicant.
Smt. J. S. Lohokare, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.
DATE : 18th FEBRUARY, 2021**

P.C. :

. The applicant is seeking anticipatory bail in connection with C.R.No.329/2019 registered at Valsang Police Station, Solapur Rural, Dist.– Solapur under Sections 376, 468, 417 and 506 read with 34 of Indian Penal Code.

2. Heard Mr. Ujwal Agandsurve, learned Counsel for the applicant and Smt. J. S. Lohokare, learned APP for the State.

3. The F.I.R. is lodged on 2nd September 2019 by the prosecutor herself. She has stated in her F.I.R. that, she wanted to get married and the present applicant and one Bangisahab were looking for grooms for her. She had alleged that, they showed one

photograph to her. Looking at that photograph, the prosecutrix decided to marry that person in the photograph. After her consent to get married with that person, the marriage was fixed and it was performed on 14th July 2019. It is her case that, during the ceremony, nobody from her side was present. After the marriage ceremony, her husband took her to house. On the way, she saw that the person whom she was married to was a different person than the person whose photograph was shown by the applicant and Bangisahab. It is her case that Bangi Saheb ignored her protest. Her husband took her to his house. They stayed together. He established physical relationship with her. Then he left the house for a few days. Then he came back in August 2019. He again established physical relations. At that time, the informant told him that since he was frequently leaving her, she would rather stay with her sister. That time, her husband threatened her and did not allow her to go her sister's place. Ultimately, she lodged her F.I.R. on 2nd September 2019.

4. Learned Counsel for the applicant submitted that the story narrated in the F.I.R. is unbelievable. She did not lodge any

protest since July 2019 till lodging of the F.I.R. The applicant is not the main offender in any case.

5. Learned APP only referred to the averments in the F.I.R. Both the learned Counsel pointed out that the chargesheet is filed against the husband of the informant and he is at present released on bail.

6. Considering these submissions, the applicant is not the main accused. The informant's husband is already released on bail. Her story in the F.I.R. appears a little doubtful that she consented to get married merely looking at one photograph. However, at this stage, I am not observing anything further. The role attributed to the present applicant is not directly related with the allegations of commission of offence punishable under Section 376 of I.P.C. The informant had not protested about her marriage for over a period of more than two months. The chargesheet does not contain statements of any neighbours showing that she had lodged protest or had made grievance about her marriage.

7. In this view of the matter, considering the background, I am inclined to protect the applicant by way of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.329/2019 registered with Valsang Police Station, Solapur Rural, Dist.- Solapur, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)