

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 ANTICIPATORY BAIL APPLICATION NO.488 OF 2022

USHA W/O POPAT @ BABASAHEB KATARNAWARE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr Narayan B. Narwade
APP for Respondent/State : Mr V.S. Choudhari

CORAM : S. G. MEHARE, J.

DATE : 29th JUNE, 2022

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The incident happened on 20th February 2022. The complainant, her relatives, and Mangesh Raghunath Waghmare had been village Sangvi Bk., Taluka Pathardi Distt. Parbhani, for betrothal with Shraddha, the daughter of Popat Vitthal Katarnware. Before the betrothal began as per the custom, the girl was again shown to them. However, Mangesh stated that she is not the girl who was shown to him, with whom he agreed to marry. Therefore, he denied marrying the girl who was not shown to him. After that, all the accused forced Mangesh to marry a girl shown to him on that day. If he did not marry her, they would have to pay Rs.5,00,000/-. Thereafter, they refused to perform the betrothal and started going back. That time, all the accused obstructed their bus and took its key. Then the mother of the girl, namely Usha, her maternal aunt, maternal uncle Balu Sarse and her brother, entered the bus and pushed the mother of the complainant. The mother of the girl Usha, the present

applicant, snatched the cash of Rs.70,000/- and golden maniganthan. One co-accused, Vijay Deoraj Tijore put the knife on the neck of the brother of the complainant and demanded Rs.5,00,000/-. Under the fear, he paid him Rs. 40,000/-, and her other brother Dinesh paid Rs.30,000/- on his account on Google Pay. The Police were called there, but they were frightened. Hence, they did not lodge a report.

3. The learned counsel for the applicant submits that the report is delayed. On the day of the alleged incident, the Police were called on the spot, but no incident as such happened; they did not lodge the report. The present report is afterthought. The amount of Rs.70,000/- was paid to the family of Mangesh to purchase golden ornaments for the betrothal ceremony. Hence the said amount was returned through Google Pay. That was paid. The Police came there, and the matter was settled. Hence, the custodial interrogation of the applicant is not necessary.

4. The learned APP would submit that on the day of the incident, the Police had been to the spot of the incident, but the report was not lodged. However, the complainant explained the delay satisfactorily, that they were in the village of the accused and the accused were most aggressive. Hence, they have no option except to save their lives. Therefore, they could not lodge the report. The allegations levelled against the applicant are true. The fraud has been played by the family of the applicants, who showed another girl instead of the girl shown to Mangesh before the betrothal. The amount of Rs.70,000/- and the golden ornaments the applicant snatched have to be recovered from the accused. Hence, the applicant has no case for anticipatory bail.

5. Perusal of the FIR and arguments advanced by the learned counsel

for the applicant and the learned APP for the State would reveal that the betrothal was cancelled as the other girl was shown by the parents of Shraddha. The report further reveals that the family of the applicant were most aggressive, and forcing Mangesh to marry another girl shown to him who was minor and not shown to him before the betrothal. Since the incident happened in the village of the applicant, which was far away from the residence of the complainant and her family, and considering the aggression of the family of the applicant, the possibility of fear cannot be ruled out. The complainant has satisfactorily explained why the report was not lodged immediately, though the Police were there. The serious allegations of snatching the amount from the purse and golden ornaments have been specifically levelled against the applicant.

6. Considering the gravity of the offence and the need to recover the money and golden ornaments, the custodial interrogation of the applicant is necessary. For these reasons, the applicant cannot be granted anticipatory bail. Hence, the application stands dismissed.

7. The learned counsel for the applicant would submit that the interim protection granted to the applicant may be extended for three weeks. In the interest of justice the interim protection order is continued for three weeks from today.

[S. G. MEHARE, J.]