

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

ANTICIPATORY BAIL APPLICATION NO. 174 OF 2022

Rish Purshottam Sarawgi Applicant
Versus
The State of Maharashtra Respondent

Mr. Pralhad Paranjape a/w. Vilasini B. Subir Sarkar for Applicant.

Mr. Makarand G. Patil, APP for State/Respondent.

Mr. Rajesh Tekale for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.250 of 2021 registered at NRI Sagari Police Station, on 15/10/2021, under sections 493, 494, 495 and 498A r/w. 34 of the Indian Penal Code (for short 'IPC'). Subsequently, sections 307, 420, 406, 417 and 506 of IPC are also added.

2. Heard Shri. Pralhad Paranjape, learned counsel for the applicant, Shri. Rajesh Tekale, learned counsel for the Intervenor and Shri. Makarand Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Soni Baranwal on 07/09/2021. She has stated that,

she had registered her name on a matrimonial site in the year 2018. On 31/07/2018 she received a phone call from the applicant and he told her that he had seen her bio-data on the website and that he wanted to marry her. The informant and her family went to the applicant's place and made inquiry. They were satisfied and both the families gave their permission for the marriage.

4. On 02/02/2019 engagement took place at Belapur, Navi Mumbai. The F.I.R. goes on to mention that the applicant's family demanded Rs.3 lakhs in cash for booking a bigger marriage hall. On 06/04/2019 applicant's family came to Mumbai to purchase clothes and other articles. At that time, they demanded Rs. 2 lakhs. Informant's father gave them Rs.2 lakhs. On 06/05/2019 informant got married with the applicant and went to reside at Madarihat, West Bengal to reside with the applicant in her matrimonial house. There are allegations that, within a few days all the family members started illtreating the informant with cruelty. The applicant used to consume liquor and used to harass her. There are specific allegations that he was demanding Rs.50000/- which the informant had received during the marriage

from her relatives. On the informant's refusal, he used to beat her. This was going on for many days. The applicant used to lock the informant in a bedroom and used to assault her. She was threatened. Her stridhan was taken away by the applicant's mother. There are allegations that, in November 2019 the applicant and his father had gagged her mouth and she was pushed against a wall. There are specific allegations that, she was continuously beaten on the demand of money. Ultimately, the informant called her parents. Her brother came to take her back. In December 2019, she came back to Mumbai. While leaving, the applicant's mother removed all the ornaments of the informant. She was told to bring Rs.15 lakhs.

5. On 23/07/2021 she received a notice for divorce from the applicant. The informant approached an Advocate. They made inquiries. The informant came to know that the applicant was earlier married to a third person and their divorce had taken place in August 2019. The informant realized that she was cheated all along. On this basis the F.I.R. was lodged.

6. Learned counsel for the applicant submitted that the

relation between the couple was good which is evident from the photographs annexed to this application. He submitted that the informant did not want to reside in the matrimonial house at West Bengal and because of her reluctance she did not come back to her matrimonial house for a long period and instead, this F.I.R. was lodged only after the applicant has sent a notice for divorce. The applicant made all the efforts for reconciliation, but the informant did not respond and therefore, the applicant had to initiate divorce proceeding. He submitted that the informant has also initiated a proceeding under the Protection of Women from Domestic Violence Act. He further submitted that the competent court had declared applicant's earlier marriage as null and void and, therefore, there was nothing wrong if the applicant got married with the informant. He submitted that, though it is not reflected in the F.I.R., the informant was made aware of the applicant's earlier marriage.

7. Learned APP opposed this application. He submitted that the applicant had uploaded false information on the matrimonial site, where he had given his fake name and had given

his matrimonial status as 'never married'. However, the site included a mobile number which belonged to the applicant. Thus, the design to cheat innocent women was clear right from the inception. Apart from that, it is also a matter of record that divorce from his first wife had taken place after the applicant's marriage with the informant. Therefore, the offence of cheating was made out as the informant was not made aware of this fact. He further submitted that, there is direct allegation of demand of money and causing harassment for that purpose. Therefore, offence U/s.498A of IPC is also made out.

8. I have considered these submissions. As rightly submitted by learned APP that the applicant has uploaded false information on the matrimonial site deliberately with different name. The intention to cheat is clear right from the inception. The divorce from his earlier marriage had taken place in August 2019 and prior to that he got married with the informant in May 2019. There does not appear to be any material to show that the informant was made aware of the applicant's earlier marriage. Apart from that, there are specific allegations that the applicant

had harassed the informant on demand of money. Therefore, the offence will definitely fall within the meaning of section 498A of IPC. Considering all these aspects, custodial interrogation of the applicant is necessary. The offence is serious. The informant had suffered irreparable loss because of suppression of important facts by the applicant. Based on all these aspects, no case for grant of anticipatory bail is made out.

9. The application is rejected.

(SARANG V. KOTWAL, J.)