

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

ANTICIPATORY BAIL APPLICATION NO. 295 OF 2022

1. Vaibhav Ramesh Birwadkar
2. Sushma @ Padma Ramesh Birwadkar Applicants
Versus
The State of Maharashtra Respondent

Mr. Rakesh Bhatkar for Applicant.

Mr. P. H. Gaikwad, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 3rd FEBRUARY 2022
(through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.535 of 2021 registered at Rabale Police Station, Navi Mumbai, on 27/12/2021, under section 420 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Rakesh Bhatkar, learned counsel for the applicants and Shri. Gaikwad, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by Sambhaji Patil. His daughter was to get married with the applicant No.1, who was related to the informant's wife. After initial meetings, the engagement took place on 21/11/2021 at

Navi Mumbai. It is the informant's case that, he had spent for the ceremonies. After engagement, there used to be conversation between the applicant No.1 and the informant's daughter. However, slowly the applicant No.1 started showing his disinterest.

4. On 19/12/2021, the informant and his wife went to the applicants' house and discussed this issue. At that time, the applicant No.2 who is applicant No.1's mother assured them that everything would be alright. On 20/12/2021 the applicant No.1 accompanied the informant for purchase of his clothes. On 22/12/2021, the informant was told that the applicant had met with an accident and he was in hospital. The informant went there. He was told by the applicant No.1 that he had suffered injuries to his private parts and therefore, he would not marry the informant's daughter. The informant tried to convince him and told him that, he could always take medical treatment. However, the applicant No.1 expressed his extreme reluctance in getting married and told him that he would not marry the informant's daughter.

5. On 24/12/2021, the informant was told that the applicant No.1 had left the house without informing anybody. On

25/12/2021, the informant went to the applicants' house. That time many relatives were present in the house. The marriage was to take place on 27/12/2021, but the applicant No.1 did not turn up. The marriage did not take place. Therefore, the informant lodged this F.I.R. on the allegations that he was cheated and he had suffered expenditure in all this.

6. Learned counsel for the applicants submitted that the applicant No.1 could not get along with the informant's daughter and, therefore, did not want to marry her. The offence of cheating is not made out. He submitted that the applicant No.2 has hardly played any role in the entire episode.

7. Learned APP opposed this application based on the contents of the F.I.R.

8. I have considered these submissions. From the F.I.R. it is clear that the applicant No.1 did not want to marry the informant's daughter. Though, the engagement had taken place, this development is only after the engagement. It appears that, the applicant No.1 was forced to get married. Obviously, there is mental trauma, besides financial loss to the informant, his

daughter and other family members. However, in this situation, custodial interrogation of the applicants is not of any use. The informant has all the remedies available for claiming damages etc. Therefore, in my view, applicants can be protected by an order of anticipatory bail. Of course, the conduct of the applicant No.1 cannot be justified. However, his custodial interrogation will not serve any purpose. The applicant No.2 has hardly played any role.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.535 of 2021 registered at Rabale Police Station, Navi Mumbai, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)