

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 1465 OF 2022

Sanjay Shivsingh Chavan ...Applicant

Versus

State of Maharashtra ...Respondent

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SUBHASH
KULKARNI

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Mr. Laxman Kanal, a/w Divya Kanal, for the Applicant.
Ms. Pallavi Dabholkar, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 7th JULY, 2022

ORDER:-

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

2. This is an application for pre-arrest bail in connection with CR No.56/2022, registered with Vadner Khakurdi Police Station, Nashik Rural, for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

3. Jayesh Patil (the first informant), who was working as an Operator at M.B. Sugar Factory, Malegaon, was in search of a bride. Sitaram Chikane is his brother-in-law. Ravindra Shelke, who is the brother-in-law of Sitaram Chikane, proposed the alliance of Asha Ambadas Dhavale. On 22nd December, 2021, the

first informant and his relatives including mother, sister and brother-in-law Sitaram were taken to a place in Shirdi. One Ramkrishna More introduced himself as the maternal uncle of Asha Dhavale. Another person, Mr. Pawar, insisted for payment of a sum of Rs.2,00,000/- before the marriage of the first informant was solemnized with the said girl Asha Dhavale. Thereupon Sitaram Chikane handed over the cash amount of Rs.2,00,000/- to Ravindra Shelke, who handed over the same to Sunil Pagar, who, in turn, handed over the same to the Sanjay Chavan, the applicant. Thereafter the marriage was solemnized. Asha Dhavale accompanied the first informant.

4. On 29th December, 2021, Asha Dhavale left the first informant's home without giving intimation to anybody. When the first informant called her on 2nd January, 2022, Asha Dhavale refused to rejoin the matrimonial home on the pretext that he did not allow her to go to her parental home for two days. Thereafter she did not take the calls of the first informant. The first informant realized that he was deceived. Hence, the report.

5. On 6th June, 2022, this Court was persuaded to grant interim pre-arrest bail opining, *inter alia*, as under:

“6. Perused the First Information Report. Complainant alleged that maternal uncle of his wife had demanded Rs.2

Lakhs from him as consideration for performing marriage of his niece with the applicant. It is submitted that applicant is not related either to uncle of the bride or to family members of the bride. Uncle of the bride, Mr. Raindra Shelke, accused no.1, has been granted bail by the trial Court. It appears that after performing marriage, wife of the complainant, abandoned his company and her whereabouts were not known. In consideration of these allegations and taking over view of the matter, case is made for granting interim pre-arrest protection to the applicant.”

6. I have heard the learned Counsel for the applicant and the learned APP for the State. I have also perused the allegations in the first information report and the report filed by the Investigating Officer opposing the grant of pre-arrest bail.

7. Evidently, the indictment against the applicant is that of being a member of the party from the bride's side, when the marriage was solemnized on 20th December, 2021. The prime role of introducing the girl to the applicant is attributed to Ravindra Shelke, the brother-in-law of Sitaram Chikane. The cash amount was allegedly paid to Ravindra Shelke. In the backdrop of the aforesaid nature of the accusation, the imperativeness of custodial interrogation is required to be appreciated.

8. The grievance of the first informant seems to be that the lady made a farce of undergoing marriage ceremony, stayed with the applicant for about a week and thereafter abandoned the company for the first informant. Since the applicant was

present at the time of the said marriage ceremony, the applicant has been roped in. This Court has noted that Ravindra Shelke the principal accused has been arrested and released on bail by the Trial Court. The presence of the applicant and the fact that the applicant had received and counted the cash amount, even if taken at par, does not in the circumstances of the case warrant custodial interrogation. *Prima facie*, investigation till date does indicate that the applicant is the ultimate beneficiary of the said amount and/or a parent or close relative of the said lady.

9. In the circumstances, I am persuaded to make the order of interim protection absolute.

10. Hence, the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The order of interim pre-arrest bail dated 6th June, 2022, is made absolute on the terms and conditions incorporated therein.
- (iii) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

[N. J. JAMADAR, J.]