

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1734 OF 2022

Dilip Chandu Bhosale and Others ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr. K.S. Patil i/b. Mr. P.S. Hagare, for the Applicants

Mr. A.A. Palkar, APP, for the State.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 30, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 396 of 2022 registered with Akluj police station, Pune for the offences punishable under sections 420, 406 and 506 read with 34 of Indian Penal Code, 1860 and section 4 of Dowry Prohibition Act, 1961.

2. Reshma Nanvare, the first informant has a daughter of marriageable age. One of the acquaintances introduced Somnath Bhosale, the accused No. 1 as an eligible bachelor. It was represented that Somnath was M.A., D.Ed. and working as a Head Master in a school. He was endowed with agricultural lands and also works as a Government Contractor. On 26th January, 2022, the betrothal ceremony of the first informant's daughter and Somnath

was solemnized. Apart from Somnath and his parents, the applicant Nos. 1 and 2 who are the paternal uncles of Somnath, participated in the said ceremony. The first informant was made to incur expenses to the tune of Rs. 2,97,400/- for the said ceremony.

3. Marriage was to be solemnized on 5th June, 2022. Somnath, his other relatives and the applicants made the first informant to purchase clothes, white goods and other articles costing Rs. 3,36,000/- which were to be delivered on the day of marriage, by way of dowry.

4. Three-four days prior to the marriage, it was revealed that Somnath was not employed as a Head Master and the representations about the educational qualification and financial position of Somnath and his family were untrue. First informant was thus constrained to call off the marriage. Somnath, his parents and the applicants, however, threatened to make the photographs of betrothal ceremony viral and cause harm to the first informant and her family. Hence, report.

5. The learned counsel for the applicants submitted that the allegations in the first information report, prima facie, do not

indicate any offence of cheating or criminal breach of trust. The allegations of commission of offence under section 4 of the Dowry Prohibition Act can not also said to have been, prima facie, made out as no property was delivered. Marriage was called off by the first informant for another reason and the applicants have been falsely roped in to exert pressure on Somnath and his family, urged Mr. Patil. It was further submitted that the role attributed to the applicants is merely that of participating in pre-betrothal ceremony meeting. Therefore, in any event, custodial interrogation of the applicants is not warranted.

6. Learned APP resisted the application. It was submitted that the allegations in the first information report indicate that the applicant had an active participation.

7. I have carefully perused the allegations in the first information report. The applicants are the paternal uncle of Somnath, who allegedly made false representation about his service and educational qualification. The allegations against the applicants, prima facie, appear to be of general and omnibus nature. The applicants were stated to be present in the pre- betrothal ceremony.

8. It is true that the applicants are the relatives of the Somnath. Yet, from the allegations in the first information report, it does not appear that custodial interrogation of the applicants is necessary for effective investigation. The applicants appear to have roots in society to tie them down to their place of abode and avocation. In the context of the allegations, possibility of tampering with evidence and fleeing away from justice also seems to be remote.

9. I am, therefore, persuaded to exercise the discretion in favour of the applicants.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest in connection with C.R. No. 396 of 2022 registered with Akhuj police station, Pune, the applicants Dilip Chandu Bhosale, Rajkumar Chandu Bhosale and Ghanshyam Chandu Bhosale be released on bail on furnishing a P.R. Bond in the sum of Rs. 25,000/- each and one or two sureties in the like amount.
- 3] The applicants shall co-operate with investigation and attend Akhuj police station as and when directed.
- 4] The applicants shall not tamper the prosecution evidence

and/or give threat or inducement to any of the prosecution witnesses.

5] The applicants shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)