

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.225 OF 2022

Ramdas Manikrao Pakhan

Versus

State of Maharashtra, through P.S.O., P.S. Sewagram, Dist. Wardha

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A. Dhawas, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 12/04/2022

1. The applicant is seeking pre-arrest bail in Crime No.97 of 2022, dated 22.02.2022, registered with Police Station Sewagram, District Wardha, for the offences punishable under Sections 376, 403, 417, 419 and 420 read with Section 34 of the Indian Penal Code.

2. The main accused-Sagar Pakhan is the son of the applicant who has uploaded his profile on a marriage site considering which, the complainant accepted such request and thereafter, the complainant and the son of the applicant came close and on a false promise of marriage, the son of the applicant-Sagar established sexual relations with the complainant against her consent. Subsequently, it was revealed that the main accused is a married person and the said fact was suppressed by him and also by the applicant and other accused persons.

3. Shri Dhawas, learned counsel for the applicant submits that the main accused is in jail and the role of the applicant is only that when the complainant met the applicant, he did not disclose the fact about first marriage of accused No.1. He therefore, submits that the limited role of the applicant is attributed in the alleged offence and as the custody of the applicant is not necessary, he prays for grant of pre-arrest bail.

4. Shri Thakare, learned APP strongly opposes the application and submits that the applicant was present in the engagement ceremony and there are photographs showing that he was present. He submits that his presence in the engagement ceremony is sufficient to show that he is involved in the alleged offence as he did not disclose the fact of first marriage of the accused No.1.

5. Having considered the contents of the First Information Report and on perusal of the Case Diary, *prima facie* it appears that the only allegations against the applicant is that the applicant did not disclose the fact of first marriage of his son.

6. Nothing has been pointed out by the custody of the applicant is necessary in this case. The accused No.1 is in jail, who is *prima facie* responsible for the alleged incident. In that view of the matter, as the custody of the applicant is not necessary, I am of the opinion that the present application needs to be allowed. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 05.04.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]