

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 BAIL APPLICATION NO.2009 OF 2022

BAPURAO PITAMBAR PURI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Ghatol Patil Shahaji B.
APP for Respondent-State : Mr. S. P. Sonpawale.
Advocate for Complainant to assist APP : Ms. Anita A. Gadekar
(Appointed).

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CORAM : S. G. MEHARE, J.
DATE : 05.01.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel appointed for respondent No.2 through legal aid.

2. The facts appears from the record that the victim who was a minor was firstly married to another boy. Thereafter, she was brought home. When her first husband went to fetch her back. The grandmother, who is the key person behind all the episodes of marriages told him that she wanted to marry the victim at another place. The material placed on record reveals that the grandmother and parents of the victim with consent performed the marriage with the applicant. However, the case has been filed before the learned Magistrate making allegation

that the applicant and his parents took the victim from the custody of the grandmother under the pretext that there is a Pooja and then they performed the marriage forcefully. However, the victim nowhere states in her first statement that she was forcefully married to the applicant.

3. It appears that the complainant instead of lodging the report directly to Police Station, simply sent a written complaint to the Superintendent of Police and after lodging the complaint before the learned Magistrate, a report was lodged to the concerned Police Station. Though the offence appears serious, but the modus operandi of the family of the victim is most suspicious. It seems that they were extracting money from the people under the pretext of marriage. One of the witnesses states that after the engagement, the complainant/grandmother of the victim asked for Rs.20,000/-. He failed to fulfill her demand. Hence, she cancelled her marriage with him. Neither the victim nor her family disclosed the applicant about her first marriage. Considering the modus operandi of the victim's family, there appears substance in the argument of the learned counsel for the applicant that one more attempt was made to extract the money from the applicant. Since the victim was not allowed to go to her

parent's home, a false report has been lodged. In view of that matter, the Court is of the view that the applicant deserves bail.

Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **BAPURAO PITAMBAR PURI** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.388 of 2021, registered by Police Station Purna, District Parbhani, for the offences punishable under Sections 363, 366, 376, 376-D, 376-A read with Section 34 of the IPC, Sections 4, 7, 8, 11 and 12 of the POCSO Act and Section 9, 10, 11 of the Child Marriage Act, on the condition not to tamper with the prosecution witnesses.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad to pay the legal fees to the appointed advocate for Respondent No.2 as per the schedule.

(S. G. MEHARE, J.)

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vmk/-