

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

ANTICIPATORY BAIL APPLICATION NO. 961 OF 2023

Miss. XXX (Victim in Crime No.1012/2022)
& Others

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Mohammed Ahmed a/w. Sufian Qureshi for the Applicant.
Mr. R.M.pethe, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 13th APRIL, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.1009 of 2022 registered with Charkop Police Station for offences under Section 385, 406, 419 , 420 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by one Ankit Dilip Kumar Singh, wherein he has alleged that he had met the Applicant No.1 on matrimonial site, and that with consent of the respective families, they had agreed to marry. The engagement ceremony was held on 2.10.2022, The first informant had stated that he

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had spent money for purchasing several items for the Applicant No.1. The first informant has stated that subsequently he learnt that the Applicant No.1 was already married, and this fact was not disclosed to him or to his parents. It is under these circumstances, that the first informant refused to marry the Applicant No.1. He claims that after the marriage was called off, the Applicants have been threatening to implicate him in false cases for calling off the marriage.

4. It is to be noted that the Applicant No.1 had also lodged FIR pursuant to which Crime No. 1012 of 2022 was registered against the first informant for having physical relationship with her and later refusing to marry her. The first informant was granted bail. In view of prima facie observation that the relationship was consensual.

5. The records indicate that calling off the wedding has led to filing of these two FIRs. Considering the nature of the accusation, in my considered view, this would not be a case which would justify custodial interrogation. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.1009 of 2022 registered with Charkop Police Station, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer for two days on 18th and 19th April, 2023 between 11.00 a.m. to 2.00 p.m. and

further as and when required by the Investigating Officer.

(iii) The Applicants shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicants shall not interfere with the witnesses and shall not tamper with the evidence or attempt to influence or contract the complainant, witnesses or any person concerned with the case in any manner.

. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)