

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

ANTICIPATORY BAIL APPLICATION NO.2007 OF 2022

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1. Somnath Sanjay Bhosale
2. Sou. Chaya Sanjay Bhosale
3. Sanjay Chandu Bhosale ..Applicants
Vs.
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO.2863 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2007 OF 2022**

Reshma Sanjay Nanaware ..Applicant
In the matter between
Somnath Sanjay Bhosale and ors. ..Applicants
VS.
The State of Maharashtra ..Respondent

Ms. Manisha Devkar i/b Mr. P.S. Hagare, for the Applicants.
Ms. A. A. Takalkar, APP for the State.
Mr. Dutta Mane a/w Mr. Akash Yadav, Mr. Maruti Sarkar, Mr.
Kishor Shinde, for Intervener.
Mr. Amol B. Mirgane, Police Head Constable, Akuj Police
Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 20, 2023

P.C. :

1. Heard learned counsel for the applicants and learned

APP.

2. This is an application for pre-arrest bail. The applicants are apprehending arrest in connection with C.R. No.396 of 2022 dated 07/06/2022 registered with Akulj Police Station for offence punishable under sections 420, 406, 506, 34 of the Indian Penal Code, 1860 and section 4 of the Dowry Prohibition Act, 1961

3. By an order dated 25/07/2022, while granting interim protection, this Court has passed the following order.

"1. The applicants are apprehending their arrests in connection with a crime registered with Akulj Police Station, Dist. Solapur under Section 420, 406, 506 r/w 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act, 1961 on alleged misrepresentation by the bridegroom and the applicants.

2. At the time of fixation of marriage, it was told by the parents of the applicant, who is bridegroom, that the applicant is working as a Headmaster and having around 200 Acres of land as well as 4 to 5 JCB machines. It is also alleged that he represented himself as a Government Contractor.

3. Ultimately, it was found that the applicant no.1 has not only concealed his real age which is 38 years, but it was shown that he was 30 years old at the time of Mangal Parinaya Ceremony. The parents of the bride spent around Rs.2,97,240/- and have purchased cloths, A.C. firdge, T.V. etc.

4. One of the co-accused has already granted protection by this Court.

5. Learned APP submits that the applicants might misuse

the photographs and pre-wedding shoot by making it viral, which would affect the future prospects of the bride and, therefore, conditions needs to be imposed to co-operate with the Investigating Agency.

6. Considering the overall facts and circumstances, liberty of the applicants needs to be protected till the application is heard finally by imposing some conditions and restrictions.

(i) In the event of the arrest of the applicants in C.R. No. 396/2022 registered with Akluj Police Station, Tal. Malshiras, Dist. Solapur under Section 420, 406, 506 r/w 34 of the IPC and Section 4 of the Dowry Prohibition Act, the applicants be released on furnishing a PR bond in the sum of Rs.25,000/- with one surety each in the like amount.

(ii) The applicants shall furnish all material including Mobile hands-set, photographs and material in the form of pre-wedding shoot, to the Investigating Officer immediately.

(iii) The applicants shall report to the Investigating Officer on every Tuesday and Friday between 10.00 a.m. to 1.00 p.m.

(iv) The applicants shall not tamper with the prosecution witnesses and evidence or shall not extend threats or inducement to any of the witnesses.

(v) The applicants shall not circulate or make viral, photographs and pre-wedding shoot, either by themselves or through anyone else.

(v) Breach of any of the conditions would result in vacation of interim protection."

4. The applicants have accordingly co-operated with the investigation. Learned APP on instructions says so. All conditions imposed by this Court have been complied with. A pen-drive, a mobile and 4 photographs have already been handed over to the investigating officer.

5. In my opinion, looking at the nature of accusations, the custodial interrogation of the applicants is not required as the applicants have co-operated with the investigation.

6. Learned counsel for the complainant submitted that the complainant has already performed marriage and the applicant no.1 is unnecessarily interfering and intimidating the complainant. The applicants are put to strict notice not to intimidate, threaten or interact in any manner with the complainant.

7. It is made clear that the applicants shall not in any manner try to establish any contact with the complainant or her husband. It is open for the complainant to resort to appropriate steps including the application for cancellation of this anticipatory bail if the applicants fail to abide by these conditions.

8. The applicants undertake that they will not circulate any of the photographs in connection with the engagement ceremony or in respect of the interaction which the applicant had with the complainant in the past. Hence, the following order.

ORDER

(a) In the event of arrest of the applicants in connection with C.R. No.396 of 2022 dated 07/06/2022 registered with Akluj Police Station, the applicant no. 1- Somnath Sanjay Bhosale, applicant no. 2 -Sou. Chaya Sanjay Bhosale and applicant no. 3 - Sanjay Chandu Bhosale be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicants shall attend the report to investigating officer as and when called for.

9. The anticipatory bail application is disposed of. Interim application also stands disposed of.

(M. S. KARNIK, J.)