

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

ANTICIPATORY BAIL APPLICATION NO. 1938 OF 2023

Naresh Atmaram Shirsath

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Dhanaji Kudle for the Applicant.

Mr. S.H.Yadav APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 13th JULY, 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.16 of 2023 registered with Khed Police Station, Ratnagiri for offences under Section 385, 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 Yogesh Mohan Kadu . The facts narrated in the FIR prima facie reveal that the Applicant had arranged the marriage between the first informant and his wife. Subsequently, it was revealed that the wife was of unsound mind. The matrimonial dispute led to filing of divorce petition. The first informant claims that his wife demanded

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Rs.35,00,000/- for settling the matrimonial dispute. The Applicant is implicated in the crime only because he had brought the said proposal. The allegations in the FIR, even if accepted in their entirety, do not prima facie disclose offence of cheating or extortion. Hence, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C.

4. The application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.C.R.No.16 of 2023 registered with Khed Police Station, Ratnagiri, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer on 17th July, 2023, between 11.00 a.m. to 2.00 p.m.;
- (iii) The Applicant 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 Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)