



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 305 OF 2024

Pundalik (Kundlik) Shahu Chavan

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. Parth Salunke, Advocate for applicant.

Mr. S.P. Sonpawale, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 262 of 2023, registered with Virgaon Police Station, Chhatrapati Sambhajinagar Gramin, for offence punishable under section 420 r/w 34 of Indian Penal Code.

2. FIR is lodged by Jaikar Pawar alleging that he engaged Vijay Gandhi, an agent of marriage bureau, for getting suitable match for his marriage. He demanded Rs.15,000/- from informant, as his commission fees. He sent photographs of some girls on the mobile of informant and supplied information about those girls. Out of them, informant selected one girl namely Meerabai Pandit and informed him accordingly. He had given

Bhagyawant Punde

mobile numbers of Sharadabai Chavan and Pundlik Chavan and told that they are maternal uncle and aunt of the said girl. On 20.10.2023, Vijay took informant to their house and showed him said girl. Informant selected that girl. Thereafter, on 21.10.2023, Pundlik Chavan made a phone call to informant and told that tomorrow they will perform their marriage and asked to send Rs. 5,000/-. Accordingly, informant sent Rs. 5,000/- to his bank account. On 22.10.2023 marriage was performed. Thereafter, Vijay, Pundlik Chavan and Sharada Chavan asked informant to pay Rs. 2 Lakhs as agreed. At that time, informant was not having that much amount. Therefore, he paid Rs. 45,000/-. Thereafter again on 27.10.2023 Sharada Chavan demanded remaining amount. Therefore, informant paid Rs. 50,000/- by Phonepe to Abhishek, son of Sharada Chavan and also Rs. 15,000/- on the Phonepe of wife of Vijay Gandhi i.e. Asha Gandhi. Thereafter, on 28.10.2023, again he paid Rs. 15,000/- on the Phonepe of Asha Gandhi. On 30.10.2023, again he paid Rs. 50,000/- on the Phonepe of Abhishek Chavan. On 05.11.2023, he paid cash amount of Rs. 20,000/- to Vijay Gandhi. Accordingly, he paid total amount of Rs. Two lakhs to these persons. Thereafter, on 28.11.2023, his wife Meerabai asked him to drop her to her maternal house as she was not

interested to cohabit with him. She demanded Rs. 50,000/- to informant. She disclosed that above persons have not paid any amount to her, therefore, she is not ready to co-habit with him. At that time, informant realized that accused persons have cheated him.

3. Heard learned advocate for applicant and learned APP for respondents. Perused the investigation papers.

4. Applicant claims to be innocent. His submission is that he is distant relative of girl with whom informant had married. Since the girl went away to her maternal home leaving informant, out of *malafides*, name of applicant is implicated in the present crime.

5. Perusal of FIR and papers of investigation show that an amount of Rs. 1,05,000/- was transferred to applicant by informant prior to marriage.

6. On instructions from applicant, learned advocate for applicant submits that applicant is ready to deposit the said amount, without prejudice to his rights and contentions.

7. Except the allegations of acceptance of said amount,

there are no other allegations connecting applicant to the present crime. Nothing is to be recovered from applicant except the said amount. Therefore, pre-trial custodial detention of applicant is not necessary.

8. In the result, application is allowed by confirming interim protection order dated 27th February, 2024, on condition that applicant shall deposit amount of Rs. 1,05,000/- in the Court of learned Judicial Magistrate First Class, to which Virgaon Police Station, District- Chhatrapati Sambhajnagar, is attached.

9. Until further orders, amount deposited by applicant shall be kept in fixed deposit, to be renewed from time to time.

[NITIN B. SURYAWANSHI, J.]