



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 908 OF 2024

Amol Karbhari Aghav

VERSUS

The State Of Maharashtra And Another

- Mr. D. K. Dagadkhair, Advocate for the Applicant
- Mr. G. O. Wattamwar, APP for the Respondent/State
- Mr. U. U. Wagh, Advocate for Informant

CORAM : KISHORE C. SANT, J

DATE : AUGUST 05, 2024

PER COURT :

1. Heard parties. This application is for release of Applicant on bail in the event of his arrest in connection with FIR No. 0979/2023 lodged with Shevgaon Police Station, Dist. Ahmednagar dated 13.10.2023.

2. The story of the prosecution, in short, is that the informant was abducted by this Applicant and his friends on 12.04.2023. She was made to perform marriage with Applicant at Alandi giving her threats that if she does not marry with Applicant, they will finish her family members. Thereafter, he took the

informant/victim to various places and ultimately, they stayed in Ahmednagar. During this period, he had established physical relations with informant. On 04.10.2022 she could contact her sister and that her parents came to receive her. Hence, report was filed.

3. It is the case of the Applicant that there was a love marriage between informant and this Applicant. They stayed together for quite long time. She even transferred some amount in his favour from time to time. He has produced on record a copy of affidavit dated 12.04.2023 submitted for the purpose of getting married at Alandi. Some photographs are also placed on record. He invites attention of the Court to complaint filed by the informant herself on 13.05.2024 with police against her own relatives stating that she has married with Applicant against wish of family members and family members are harassing her. On 24.05.2023 she had also filed a complaint with Superintendent of Police, Ahmednagar wherein it is clearly stated that because she performed love marriage with Applicant, they both are apprehending threats to their life and she is

staying at Mumbai with Applicant. Learned Advocate thus submits that this clearly appears to be a love marriage. Informant and the Applicant are from the same village and, therefore, there was love relationship between them. He thus submits that report is lodged only at the instance of parents of the informant.

4. Learned APP and learned Advocate for the Informant vehemently opposes the application stating that informant/victim was forcibly taken against her wish. She was constantly under threats when she was with Applicant and it is for this reason, she could not lodge immediate report. When the Applicant took her with him, there were 4-5 friends along with him and, therefore, she could not resist the same. They prayed for rejection of the application.

5. Considering the above and the fact that from 15.04.2023 till 04.10.2023 the informant was with the Applicant, it hardly can be believed that she could not lodge immediate report and she could not contact her family members. On the contrary, there is complaint

dated 24.05.2024 made to the Superintendent of Police, Ahmednagar against her own relatives. It *prima facie* appears that the complaint is lodged at the instance of relatives. This Court thus finds that case is made out to allow application in terms of interim order dated 04.06.2024 and the same stands confirmed.

(KISHORE C. SANT, J.)