

Shabnoor

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

BAIL APPLICATION NO.154 OF 2024

Varsha Bajrang Jadhav

... Applicant

V/s.

State of Maharashtra

... Respondent

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Mr. Kuldeep Patil a/w Mr. Nikhil G. Hire, & Mr. Soham
Powar i/by Ms. Saili Naresh Dhuru, for Applicant.

Mr. Pankaj P. Deokar, APP for State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 22, 2024

P.C.:

1. This is second bail application filed by the Applicant as earlier application was dismissed as withdrawn on 13 July 2023. According to the applicant, filling of the charge-sheet on 23 August 2023 is change in circumstances which entitles her to file the present bail application.

2. The application arises out of Crime No.407 of 2023 registered on 24 May 2023 under Sections 366, 464, 465, 468, 420, and 406 r/w 34 of the Indian Penal Code, 1860 ("IPC" for short).

3. The applicant was arrested on 2nd June 2023.

4. According to the prosecution, the informant / complainant

lodged a report stating that on 15 April 2023, she met her friend Sangita Yadav at Icchalkaranji stand to whom she explained her need of employment to complete her daily needs as she is widow. Sangita provided the informant applicant's contact number. The informant, therefore, called the applicant. The applicant assured her that she will get monthly income of Rs.50-60 thousand and called her to meet her in Karad, District Satara. The applicant promised her that she will get Rs.50-60 thousand per month, if she marry with a person named by the applicant. The informant was not ready. However, the applicant forced her to marry with the said person considering the informant's dire need. The applicant arranged their marriage on 1st May 2023 with a 65 years old person named as Shankar Jagtap. However, after marriage Shankar Jagtap came to know that the informant belongs to the Muslim community. He, therefore, refused cohabit with the informant. The applicant thereafter introduced the informant with another person Umesh Mali at Hugalwadi Taluka Valwa District Sangli and forced her to marry with him on 9th May 2023. The applicant and other co-accused took all the gold ornaments given to the informant by Umesh Mali at the time of her marriage. The applicant thereafter called the informant to come to Karad and if she fails, she will have to face dire consequences. The informant, therefore, reached Karad and when she was waiting at Meeraj stand Walsewadi, she met one social worker Prashant Sadavarte to whom she narrated entire incidents. While she was waiting at Walsewadi stand, the applicant along with her brother reached the spot in her 4 wheeler car. She started threatening the informant

and forced her to get into the car. She took her to Sangli Road and forcibly compelled her to another marriage with another person and she will get Rs.1 lakh in her bank account and asked the informant's photograph for creating forged Aadhar-Card for preparing forged identity of her. After the said incident, the informant started shouting and thereby people gathered at the spot. They rescued the informant. She, therefore, lodged report against the applicant under Sections 366, 464, 465, 468, 420, and 406 r/w 34 of IPC with the concerned police station. An earlier bail application was dismissed as withdrawn by this Court.

5. Learned Advocate for the applicant submitted that filing of charge-sheet entitles the applicant to file fresh application. He submitted that investigation is completed. The applicant is being women. She is a HIV positive patient and she is detained in jail since 24 May 2023. She is ready to comply with all the conditions imposed by this Court.

6. Per contra learned APP submitted that the applicant has prepared false fabricated Aadhar-card and earlier she has committed similar types of offences. There are 5 similar cases pending against the applicant. He submitted that if the applicant is released, there is possibility of spreading HIV diseased in the society. Considering her past record, there is every possibility that she will tamper with the evidence or may abscond.

7. Having heard both the sides. In my opinion, it appears that the applicant is habitual offender. There are similar 5 offences registered against the applicant. The allegations against the

applicant are serious in nature. It appears that she is in habit of exploiting poor and needy women. Prima facie, it appears that she assures such women that they will get handsome monthly income and force them to perform marriage with the persons in the society. The identities of women like informant are not disclosed to the persons with whom marriage is performed. The allegations against the applicant are of forcing women like informant to perform marriage with third parties by forging documents for changing identities of women. Considering her past commission of similar types of offences the possibility of commission of similar offences in future cannot be ruled out. Therefore, in my opinion, merely by filing of charge-sheet, there is no change in circumstances which entitles the applicant for release on bail.

8. The bail application is, therefore, rejected.

(AMIT BORKAR, J.)