

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

ANTICIPATORY BAIL APPLICATION NO. 1958 OF 2024

Ashok Janardhan Zambre	...	Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Ms. Sanjivani P. Rane for the Applicant.
Mr. Tanveer Khan, APP for Respondent-State.
Mr. Anand S. Patil for Respondent No.2.
Ms. Swati N. Survale, PSI, Tembhurni Police Station, Solapur.

**CORAM: MANISH PITALE, J.
DATE : 5th AUGUST 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No. 0261 of 2024 dated 25th May 2024 registered at Tembhurni Police Station, District Solapur, for offences under Sections 376, 376(2) (n), 377, 494, 495, 496, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. The informant in her statement has specifically stated that there was a relationship between her and the applicant, on the basis of representations made by him about his status and on the basis of promise of marriage. It is the case of the informant that when the informant was expecting that marriage would be

performed between the two, he started threatening the informant about making viral certain objectionable photographs of the informant. Thereafter, it is specifically alleged that the applicant performed marriage with the informant on 20th December 2023 at Trimurti Mangal Karyalay, Baramati, in the presence of the informant's friends, one of whom is named. It is alleged that thereafter, the informant came to know that the applicant was already a married man and that he has a family. When she confronted the applicant about the said facts, he threatened her into subjugation and eventually, the informant was constrained to approach the Police. On the basis of the aforesaid statement, offences were registered against the applicant, including offences under Sections 494, 495 and 496 of the IPC, pertaining to a person marrying again during the lifetime of husband or wife, etc.

4. The learned counsel for the applicant submits that the informant is the person who has been threatening the applicant and this is evident from certain *WhatsApp* chats, copies of which are annexed to the application. It is further submitted that the contents of the *WhatsApp* chats, atleast show that the relationship was consensual in nature. It is further alleged that the informant is in the habit of making such allegations and that on earlier occasion also an FIR came to be registered at her behest on 4th September 2023 against two individuals. It is submitted that the applicant is ready to cooperate with the investigation and therefore, this Court may allow the present application.

5. On the other hand, the learned APP submits that the statement of the informant, leading to registration of the FIR, is absolutely clear in terms of the allegations made against the applicant. The ingredients of the offences are clearly made out. It is submitted that the applicant even threatened the informant at gunpoint and therefore, recovery is to be made, further indicating that since the FIR was registered on 25th May 2024, the investigation is still at a preliminary stage. In any case, in the statement of the informant registered under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.), she has stuck to her version as recorded in the FIR. On this basis, it is submitted that the application may be dismissed.

6. This Court has considered the rival submissions on the basis of the material available on record. The statement of the informant gives the narration of the events, leading to registration of the FIR. The chronology of events is specifically stated and it is alleged that the applicant gave false promise of marriage to the informant and thereupon, exploited her. When the informant pursued the matter with the applicant, he actually performed marriage with her on 20th December 2023 in the presence of several persons. But, thereafter, the informant came to know that the applicant was already a married man with a family and that this fact was suppressed. Thereafter, it is alleged that the applicant threatened the informant. But, eventually, she approached the Police, leading to registration of the FIR.

7. The statement of the informant recorded under Section 164 of the Cr.P.C. also reveals the details of the manner in which the applicant allegedly exploited her. The factum of marriage in the presence of several persons is also stated. The investigation has led to recording of statements of individuals, who were present at the time of marriage. Such material makes out a *prima facie* case against the applicant and there is no reason why this Court should show indulgence to the applicant in the present case.

8. No case is made out for granting anticipatory bail. Accordingly, the application is dismissed.

MANISH PITALE, J.