

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

ANTICIPATORY BAIL APPLICATION NO. 2793 OF 2024

1. Sima Nilesh Bharati
 2. Nilesh Shankar Bharati
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Hakim Salim A.R., for Applicant.
- Mr. Tanveer Khan, APP for Respondent.
- Mr. Sarjerao Laxman Pujari, PSI, Jejuri Police Station.

CORAM : MANISH PITALE, J.

DATE : 17th OCTOBER, 2024.

P. C. :

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

2. The applicants are apprehending arrest in connection with First Information Report No.0226 of 2024, dated 07.06.2024, registered at Police Station Jejuri, District Pune, for offences under Sections 406, 420 and 120-B read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in his statement has raised a grievance that the applicants gave him an impression that they would be arranging for a suitable match for him for marriage and in that context, they took certain amounts of money from him, including amounts towards donation for an “*Ashram Shala*” being run by the applicants. An impression was given that a girl in the

Ashram Shala was available for marriage with the informant. Accordingly, marriage was performed, wherein from the side of the girl only the applicants and few other girls were present.

4. It is stated that after marriage the said girl started picking up quarrels with the informant and eventually it came to light that she did have a family and that she was not a destitute girl living in the *Ashram Shala*. In this backdrop, the informant raised a grievance that the applicants have cheated him by giving him a wrong impression about the concerned girl, as also the *Ashram Shala*.

5. The learned counsel for the applicants submits that the FIR was delayed because even according to the informant, the cause of action arose between 01.05.2022 to 30.04.2023, while the FIR was registered after more than 1 year on 07.06.2024. It is submitted that the applicants are running a marriage bureau and they cannot be blamed if the marriage of the informant did not work out with the aforesaid girl. It is brought to the notice of this Court that even the said girl named Vidya Ramesh Jadhav has now been made an accused in the present case. It is submitted that since the applicants are ready to cooperate with the investigation, there is no ground made out for insisting upon their physical custody.

6. On the other hand, the learned APP submits that the ingredients

of the offences registered against the applicants are clearly made out. They dishonestly induced the informant to part with substantial amounts of money and to contract the marriage with a girl about whom false information was given to the informant. It is submitted that the sequence of events is stated in the statement of the informant, leading to registration of the FIR, which sufficiently explains the reasons as to why the informant was prompted to get the FIR registered in June, 2024.

7. It is further submitted that the applicants are habitual offenders as there is another FIR registered against them for identical allegations in the form of FIR No.148 of 2023, for offences under Section 406, 420 and 120B of the IPC at Police Station Lonikalbhor, District Pune. On instructions, the learned APP has further submitted that another such dispute had arisen, wherein the applicants approached the aggrieved person and settled the dispute. It is submitted that no case is made out for anticipatory bail.

8. This Court has perused the material on record. At first blush the contention raised on behalf of the applicants that the FIR is belated appears to be impressive, but on a proper reading of the statement of the informant, leading to registration of the FIR shows that merely because the FIR is registered on 07.06.2024, cannot be a ground to doubt the genuineness of the grievance raised by the informant.

9. The statement of the informant is detailed and he has explained as to the manner in which he was dishonestly induced and lured by the applicants to part with substantial amounts of money, while marrying the girl, who is now the co-accused person. There are sufficient allegations made against the applicants as regards false information given about the aforesaid girl, including showing her a destitute living in the *Ashram Shala*. It is specifically stated that when the marriage was performed, only the applicants and few other girls of the *Ashram Shala* were present, from the side of the girl, giving an impression to the informant that she did not have any family. This turned out to be false. Such allegations do *prima facie* make out the ingredients of the offences alleged against the applicants.

10. It is significant to note that for identical allegations another aforementioned FIR has been registered at Police Station Lonikalbhor, District Pune against the applicants. This Court is informed that in the said FIR, the applicants have been enlarged on regular bail. But in the present application, prayer for anticipatory bail is made, which has to be appreciated on different considerations.

11. It is to be noted that during the course of investigation, even the aforesaid girl with whom the informant was married of, is also arraigned as accused and therefore, there is substance in the contention raised by the

learned APP that granting relief to the applicants in the facts and circumstances of the present case would not be appropriate.

12. In view of the above, the application is dismissed.

(MANISH PITALE, J.)