

Ajay

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

ANTICIPATORY BAIL APPLICATION NO. 216 OF 2025

Ranjan Bimalkant Jha	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Devang Thakkar a/w. Mr. Akshay R. Kataria and Kirti S. Kataria, Advocates for Applicant.
 - Ms. Shilpa Gajare – Dhumal, APP for Respondent – State.
 - Mr. B.V. Sabale, PSI – Badlapur Police Station, Thane City present.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 24, 2025.

P.C.:

1. Heard Mr. Thakkar, learned Advocate for Applicant and Ms. Gajare – Dhumal, learned APP for Respondent – State.

2. This is an Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with C.R.No.452 of 2024 registered with Badlapur Police Station for the offence punishable under Sections 64, 64(2), 64(2)(d), 318(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”).

3. It is the case of the First Informant – Complainant that she befriended the Accused No.1 who was her senior in college in the year 2022 – 2023 and since then she had known the Applicant.

4. It is the case of the First Informant – Complainant in FIR that she accompanied accused and he took her to his house and at about 09:00 p.m. on the date of incident i.e. 30.12.2023 thereafter the parents of Accused No.1 who are arraigned as Accused Nos.2 and 3 did not approve her residing at their house since she had left her house to come and stay over with Accused No.1. Hence they took her to a nearby Shiv Temple at 10:00 p.m. in the night and they got the both married in the temple without any priest in that temple. Thereafter Complainant has stayed with the family of Accused No.1 in their house for 10 months.

5. Ms. Gajare – Dhumal, learned APP has argued that she was also subjected to cruelty by Accused Nos.2 and 3 as also physical abuse by Accused No.1 during that period.

6. To counter the aforesaid submissions of the prosecution as stated in the FIR made by the learned APP, Applicant has placed before me photographs and documentary evidence in the form of how the marriage ceremony had taken place albeit not as per the say of the First Informant – Complainant but between the Complainant and Accused No.1 in the presence of the priest and as per the Hindu vedic rights and customs. He would submit that pursuant to the marriage all other religious functions as per the Hindu rites required to be performed were also performed and in his own house and they also

have substantial evidence of the same. The aforesaid information has also been noted by the learned Sessions Court while noting the submissions of the Applicant.

7. *Prima facie*, First Information – Complainant would have lodged the complaint immediately and would not have waited. The fact that First Informant – Complainant waited for a period of more than 10 months to lodge the FIR on 18.10.2024 is itself indicative of the fact that she was herself residing with the Applicant. Applicant has no criminal antecedents and that apart there is nothing placed on record to persuade me to consider the prosecution case and reject the present Anticipatory Bail Application.

8. In so far as Accused Nos.2 and 3 are concerned, they have already been granted anticipatory bail by the Sessions Court.

9. In view of the above, custodial interrogation of the Applicant is not required in my opinion, but he shall cooperate in the investigation.

10. In that view of the matter, Applicant is granted pre-arrest bail on the following terms and conditions:-

ORDER

- (i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/-

with one or two sureties in the like amount;

- (ii) Applicant shall furnish all digital, documentary and photographic evidence which has been shown to the Court with respect to the marriage ceremony as also other functions which have taken over a period of 10 months to the Investigating Officer and the investigation shall proceed accordingly;
- (iii) Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iv) Applicant shall report to the Investigating Officer of the concerned Police Station on first Monday of every month for two months and thereafter as and called for by the Investigating Officer thereafter;
- (v) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within one week from today;
- (vi) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence;

- (vii) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case;
- (viii) Applicant shall not make any attempt to re-associate with the victim girl in any manner either through any device or in-person;
- (ix) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

11. It is clarified that the observations in this order are for the limited purpose of granting Bail and are merely *prima facie* in nature.

12. Anticipatory Bail Application is allowed in the aforesaid terms and is accordingly disposed of.

[MILIND N. JADHAV, J.]

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by AJAY
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