

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD

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Office Notes, Office  
Memoranda of Coram,  
appearances, Court's  
orders or directions  
and Registrar's orders

Court's or Judge's orders

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CRIMINAL WRIT PETITION NO. 551 OF 2015

1. AKSHAY S/O CHANDRAPRAKASH VYAS & ORS  
VERSUS  
THE STATE OF MAHARASHTRA & ANR

...

Advocate for Petitioners : Mr.Nagori Girish  
APP for Respondents/State: Mr.V.D. Godbharle.  
Advocate for Respondent 2 : Mr.V.B. Jogdand Patil h/f  
Mr.N.S. Ghanekar.

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**CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.**

**Dated: JULY 28, 2015**

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Heard learned Counsel for the petitioners and learned APP for the State. Perused the allegations in the FIR. There is allegation against the petitioners that, though they knew that petitioner No.1 Akshay was already married, without disclosing the said fact to the complainant or her parents, performed second marriage of the petitioner No.1. There are allegations of conspiring with each other and without disclosing to the complainant and her parents that the petitioner No.1 was already married, performed second marriage of the petitioner No.1 with complainant.

In that view of the matter, an offence is disclosed and needs investigation.

2 The learned APP appearing for the State, relying upon the investigation papers, submits that the Investigating Officer has collected material which would show that, as a matter of fact, petitioner No.1 did perform marriage earlier and the marriage of the petitioner No.1 with the complainant was second marriage.

3 In that view of the matter, in the light of the discussion herein above, no case is made out for entertaining this petition. Petition sans merits and stands rejected at this stage.

At this stage, the learned Counsel for the petitioners prays for protection for four weeks. Since the investigation is in progress and it falls in exclusive domain of the Investigating Officer, as long as the investigation is in accordance with law, the prayer of the Counsel for the petitioners cannot be granted. We, therefore, reject the prayer for further protection for four weeks.

**(A.I.S. CHEEMA, J)**

**(S.S. SHINDE, J)**