

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

912 CRIMINAL APPLICATION NO. 1548 OF 2017

DILIP CHINTAMAN KAHRE AND ANR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Savale Amit S.
APP for Respondent/State : Mr. S.M. Ganachari
...

CORAM : T.V. NALWADE, J.
DATED : April 26, 2017.

ORDER :

1. The application is filed for relief of anticipatory bail in C.R. No. 24/2017 registered in Sakri Police Station for the offences punishable under sections 418, 419, 405, 494 and 34 of I.P.C. on the basis of report given by one Smt. Vandana, who is the wife of applicant No.1 - Dilip. Both the sides are heard.

2. This Court has gone through the allegations made in the F.I.R. The main allegation is for the offence of bigamy against applicant Nos. 1 and 2. There is allegation that by committing breach of trust, the husband married second wife and so, the provisions of sections 405, 418 and 419 of I.P.C. are mentioned. The allegations as they are cannot constitute the offences punishable under sections 418, 419, 405 (406) of I.P.C. and it can be said that the complaint could have been filed as provided in

section 198 of Cr.P.C. by Smt. Vandana in the Court of J.M.F.C. Instead of doing that, report is given to police under section 154 of Cr.P.C. and police have entertained the report as cognizable offence. In view of these circumstances, this Court holds that protection need to be given for the period of one month during which the applicants can take proper steps in respect of the said F.I.R.

3. So, the application is disposed of as rejected as the offence is being made as bailable and no other offence is apparently made out. However, protection of one month is given to the applicants and during this period, they need to file appropriate proceeding in appropriate Court.

[T.V. NALAWADE, J.]

SSC/