

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.425 OF 2020

(Babasaheb s/o Sitaram Chadedar Vs. State of Maharashtra thr. PSO PS Frezarpura,
Tq. & Dist. Amravati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M.V. Rai, Advocate for Applicant.
Mr. Bhagwan M. Lonare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 26th OCTOBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The applicant is apprehending arrest in Crime 748/2020 registered with Police Station Frezarpura, District Amravati for offences punishable under section 376(2)(n), 420, 417, 494, 495, 504, 506(2) of the Indian Penal Code.

4] The crime is registered on the basis of report lodged by the complainant Pallavi Ganvir. The gist of the said report is that the applicant, in collusion with Vikas Mule, induced the complainant to marry him. It was suppressed from the complainant that the applicant had previous two solemnized marriages. The applicant – accused made the complainant part with Rs.1,27,000/- cash

and gold ring worth Rs.20,000/-. After the marriage the complainant came to know about the two other wives and refused to have sexual relationship. However, despite the disinclination of the complainant, she was forced to have sex. She was also threatened.

5] The statement of witnesses which are recorded would reveal that it was informed by the applicant that he is an orphan and that he is an engineer by profession and owned a residential house at Aurangabad. The brothers of the complainant went to Aurangabad and found that the applicant was indeed residing there. What the relatives of the complainant did not know or could not know then was that the said house was a rented accommodation and that a false representation was made by the applicant.

6] According to the prosecution, the first wife of the applicant is one Anita, who is residing at Borakhedi. The applicant and Anita have four children from the marriage. The second wife is Amrapali, who resides at Deulgaonraja and the applicant has three children from the marriage. Contrary to what the applicant disclosed, his parents are very much alive and are residing along with the first wife of the applicant at Borakhedi. It further transpired during investigation that the house at Aurangabad is rented and not self owned. The Investigating Officer has seized the lease agreement.

7] It is revealed during investigation that the

applicant has studied till 10th standard and is not an engineer as he falsely claimed. The relevant documents are seized. In the application for passport, the applicant himself has disclosed the qualification as 10th standard. The photograph of the applicant along with the first wife and the children, the voters card record etc. are seized. Statements of neighbours of Amrapali are recorded from which it is clear that she is the second wife of the applicant.

8] It has transpired during investigation that the applicant has two living wives and that earlier marriages are subsisting. There is more than ample material on record to connect the applicant with the crime. The allegations are extremely serious. It is more than obvious that the applicant appears to have adopted a particular *modus operandi* to cheat gullible and innocent women. In the process, not only are the women made to suffer financial loss, their lives are ruined. No discretion can be shown to the applicant.

9] The submission of Mr. Rai that the second wife has filed on record an affidavit denying that she is the wife, is duly considered. The affidavit is perused. The investigation is ongoing and the truth shall come to light only if the applicant is custodially interrogated.

10] The application is dismissed.

JUDGE