

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1046 of 2021

Pravin Shrihari Jadhav
Applicant

Versus

The State of Maharashtra
Respondent

Mr. Rohit Patwardhan, Advocate holding for Mr. S.S.
Jadhav, Advocate for the applicant.
Mr. P.G. Borade, APP for respondent/State.
Mr. A.B. Chalak, Advocate for the informant.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th October, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 0477/2021 registered with Vivekanand Chowk Police Station, Dist. Latur, for the offences punishable under Sections 376(2)(n), 420, 493, 495, 496, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution as narrated in the First Information Report that the informant married applicant who is a Police Constable. It is further alleged that after marriage the informant came to know that applicant was already married with one Rama Sarode. Informant, therefore, went to her maternal place. However, she was again dropped to her matrimonial place at police quarter, Latur. Informant refused to have sexual intercourse with the applicant as she had realised that applicant was a married man. Therefore, offence under aforesaid sections came to be registered against the applicant.

3. Shri Patwardhan, learned counsel for the applicant submits that applicant is under suspension. He further submits that applicant married the informant only after making her known about his earlier marriage with said Rama Sarode. He submits that with full knowledge, informant married the applicant. He submits that applicant is a Police Constable. He will be available for trial and will not flee from justice.

4. Learned APP Shri Borade and Shri Chalak, learned counsel for the informant submit that applicant had concealed his first marriage from the informant and contracted second marriage with her. They submit that despite resistance, applicant had forceful sexual intercourse with the informant.

5. From the First Information Report it can be seen that when informant realised that applicant was a married man, her parents had taken her to her maternal place. Again she was dropped back to her matrimonial place. This conduct shows that even after getting knowledge of first marriage, she continued to live with the applicant. Therefore only after recording evidence, it will be clear whether applicant had concealed his first marriage from the informant. Applicant is a Police Constable. He is not likely to flee from justice. This is his first offence. I am, therefore, inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.75,000/- (Rs. Seventy Five Thousand) with one solvent surety in the like amount in connection with Crime No. 0477/2021 registered with Vivekanand Chowk Police Station, Dist. Latur for the offence punishable under Sections 376(2)(n), 420, 493, 495, 496, 506 read with Section 34 of the Indian Penal Code.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2252 OF 2021 IN
BAIL APPLICATION NO. 1046 OF 2021

Pranita w/o Pravin Jadhav

Applicant

Versus

The State of Maharashtra & another

Respondent

Mr. A.B. Chalak, Advocate for the applicant.

Mr. P.G. Borade, APP for respondent/State.

Mr. Patwardhan, Advocate holding for Mr. S.S. Jadhav,
Advocate for respondent.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th October, 2021.

PER COURT :

Application is allowed and accordingly disposed of.

(M. G. SEWLIKAR)
Judge

dyb