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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2345 OF 2021**

AMARDIP BABASO DHANAWADE

....Applicant.

V/s

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Rajiv Patil, Senior Advocate i/b Mr. Kishan Chaudhari for the Applicant.

Mr. Ajay Patil, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 09, 2021

PC.:-

1] Applicant, a public servant, suppressing his first marriage, performed second marriage on May 10, 2020 with the complainant, resulting into registration of Crime being Crime No. 345 of 2020 registered with Wadala T.T. Police Station, District Mumbai for the offence punishable under Sections 376, 420, 312, 313, 325, 494, 354, 495, 323, 504, 506 of the Indian Penal Code.

2] Investigation depicts that Applicant's first marriage, during second marriage on 10/5/2020, was subsisting which fact was suppressed by the Applicant from the complainant. Applicant is also blessed with the issue from the first marriage.

3] In the aforesaid backdrop, Applicant, who is a public servant prima facie appears to be involved in a serious offence of rape, as has been alleged. Though Mr. Patil, learned Senior Counsel appearing for the Applicant was justified in claiming that in view of marriage of the Applicant with the complainant on 10/5/2020, sustainability of charge under Section 376 is under cloud, however from the record prima facie involvement of the Applicant in the offence punishable under Sections 494, and 495 can be inferred. Offence under Section 495 is punishable with imprisonment for 10 years. Admitted facts as reflected from the FIR and supplementary statement in categorical terms establish that Applicant concedes his former marriage and contracted second marriage with the complainant. That being so, no case for bail is made out.

4] Application as such stands rejected. However, liberty is granted to the Applicant to approach the Court below afresh after the charge is framed.

(NITIN W. SAMBRE, J.)