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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1151 OF 2020

RAMDAS MANOHAR SHINDE

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. C. J. Joveson i/b Akshada A. Pasi for the applicant

Mrs. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 15, 2021.

P.C.:

1] Applicant is seeking bail in C.R. No. 26/2019 registered with Meghwadi Police Station for offence punishable under Sections 376, 420, 498(A), 506 of the Indian Penal Code.

2] Case of the prosecution is, under false promise of marriage, applicant established physical relationship, thereafter married with complainant in temple at Alandi. It is alleged by prosecution that inspite of the fact that applicant was already married, by suppressing

said social status, he performed second marriage.

3] The fact remains that offence alleged against the applicant is under Sections 376, 420, 498(A), 506 of the Indian Penal Code.

4] Once the victim herself has come out with a case that they are married at Alandi, the fact remains that complainant and applicant gained status of husband and wife and as such, provisions of Section 376 of the Indian Penal Code cannot be invoked for want of necessary ingredients. The prosecution has also invoked Section 498A of the Indian Penal Code against the applicant.

5] Prosecution has not invoked provisions of bigamy in this case. Applicant has already suffered incarceration for more than two years. That being so, case for bail is made out.

(i) Applicant be released on bail in C.R. No. 26/2019 registered with Meghwadi Police Station for offence punishable under Sections 376, 420, 498(A), 506 of

the Indian Penal Code upon furnishing P.R. bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

6] Application stands disposed of.

[NITIN W. SAMBRE, J.]

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