

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 866 OF 2021

DEEPAK SHENFAD BHALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. G.G. Suryawanshi
APP for Respondent No. 1 : Mr. M.M. Nerlikar
Advocate for Respondent No. 2 : Ms. S.N. Devmane

**CORAM : SMT. VIBHA KANKANWADI &
RAJESH S. PATIL, JJ.**

DATE : 5th AUGUST, 2022.

ORDER :-

1. After hearing the learned Advocate for the applicants, when disinclination is shown to grant any relief to any of the applicants, upon instructions, he seeks withdrawal of the application.

2. It has been noticed by this Court that after the Court declares its disinclination then the learned Advocate for the applicants seeks instructions from the client and make such statement that they want to withdraw the application. It is to be noted that as regards the applicant No. 1 in this case is concerned, by order dated 26th August, 2021, when the matter was on board similar statement was made and then the application as against the applicant No. 1 was got withdrawn. By that time, the charge sheet was not filed and latter on after the charge sheet was filed, amendment was sought and has been carried out with prayer to quash the entire proceedings. In fact, when today after hearing the learned Advocate for the applicant Nos. 2 to 7, disinclination was

shown then this withdrawal has been sought. Before making submissions, the entire charge sheet ought to have been perused properly and could have been in the beginning itself that such statement could have been made. Now the allegations though against the husband against whom the application was withdrawn are that he had performed marriage with a girl who is seventeen years of age. It is to be noted that the husband is in police service. Then, it is stated that the other applicants were present at the time of the second marriage. The father-in-law is stated to be a retired police officer. The brother and the sister of husband who are applicant Nos. 4 to 6 are also in Police Department.

3. We cannot at this stage, taking into consideration, the defence that has been trying to be raised by the applicants and again jump to the conclusion that the First Information Report was lodged with *mala fide* intention. We also cannot forget that the respondent No. 2 is also employee in Police Department. However, in view of the fact that now the applicants are seeking withdrawal of the application. This is a fit case where costs should be imposed on them for taking time of this Court. Applicant Nos. 2 to 7 to deposit costs of Rs. 30,000/- (Rupees thirty thousand) within a period of two weeks from today with the High Court Legal Services Sub-Committee, Aurangabad.

4. The application then stands dismissed as withdrawn.

(RAJESH S. PATIL, J.)

(SMT. VIBHA KANKANWADI, J.)