

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

933 ANTICIPATORY BAIL APPLICATION NO.463 OF 2022

**BABURAO @ APPASAHEB S/O SHIVAPPA BAWAGE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Sachin S. Deshmukh
APP for Respondent / State : Mrs. V.S. Choudhari
Advocate for informant : Mr. Avinash A. Phad

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CORAM : SARANG V. KOTWAL, J.

Date : JUNE 07, 2022

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PER COURT :-

. The applicant is seeking Anticipatory Bail in connection with C.R. No.89 of 2022 registered at Gandhi Chowk Police Station, Dist. Latur on 20.02.2022 under Section 420, 376 (2)(n), 493, 495, 496, 323, 504 r.w. 34 of the Indian Penal Code.

2. Heard the learned Counsel for the applicant, the learned APP for the respondent / State and the learned Counsel for the informant.

3. The FIR is lodged by the victim. She has stated in the FIR that she was earlier married in the year 2017 and had obtained divorce in the year 2019. Thereafter from social group for marriage,

the applicant and his parents approached the informant for marriage in the year 2021. All of them informed the informant that the applicant has obtained divorce legally from his first wife. After discussion based on their representation, the informant agreed to marry the applicant. The marriage took place on 20.06.2021. After that, they had their physical relations. On 18.02.2022 the applicant and his family members suddenly brought a lady to their house and told the informant that she was the applicant's first wife and there was no divorce between them. The informant was assaulted and was confined in a room. On 19.02.2022 she was driven out of her matrimonial house. Because of such harassment and cheating, the informant lodged this FIR.

4. Learned Counsel for the applicant submitted that the informant was related to the applicant's family and, therefore, she was aware of his first marriage and she was also aware that the divorce had not taken place between the applicant and his first wife. The FIR is lodged only to harass the applicant.

5. Learned APP as well as learned Counsel for the first informant opposed this application and submitted that the applicant's parents were arrested and were granted regular bail. The learned Counsel for the informant submitted that the applicant is in habit of

committing such offences and he has destroyed life of not only the informant but other women as well.

6. I have considered the submissions made by the learned Counsel appearing for the respective parties. The FIR itself shows that the applicant had made a representation that he had obtained the divorce legally from his first wife. Though the learned Counsel for the applicant has submitted that the informant was aware that there was no divorce, it is not substantiated by any material and, therefore, at this stage, there is no reason to disbelieve the statement of the informant that she was kept in the dark about the applicant's subsisting first marriage. In this view of the matter, all the ingredients of all the offences applied in this case are made out. The offence is serious and custodial interrogation of the applicant is necessary. The Anticipatory Bail Application is, therefore, rejected.

(SARANG V. KOTWAL, J.)