

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2449 OF 2022

Salman Khan Mehmud Khan

..Applicant

VS.

The State of Maharashtra

..Respondent

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None for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 20, 2023

P.C. :

1. Learned APP invited my attention to the order dated 29/09/2022 passed by this Court. The relevant portion of the order reads thus :

"1. The applicant is present in the court along with his affidavit, where he has made a categorical statement to the following effect:

"That I say there is love affair between me and the complainant and I had promised of doing marriage with her.

That I categorically say that I ready to perform with the complainant [victim] but only hindrance is that she has not obtained the divorce from her first husband."

The aforesaid undertaking is, however, subject to a condition that she must first obtain divorce from her first husband.

2. The complainant, who is also present in the Court, has produced before me the deed of divorce,

which she has forwarded to her ex-husband and expect him to ink it.

She however state that the applicant has made a phone call to her husband and told him that she is in an attempt to extract money from him, and her ex-husband should not divorce her. The result is apparent, that the applicant will not abide by the undertaking given by him in the affidavit, which is taken on record and marked as X for identification.

2. Accepting that no marriage can be solemnized during subsistence of her earlier marriage, it is made clear to the applicant, that any attempt on his part to create any pressure upon husband of the complainant or any methodology adopted to pressurize him not to sign the documents forwarded by her, the applicant shall be immediately taken into custody.

3. I do not intend to dispose off the present application and adjourn it beyond Diwali Vacation, however in the meantime the following ad-interim order shall be continue to protect the applicant, since he has filed an affidavit, as directed by this court, expressing his willingness to perform marriage with the complainant."

2. The complainant is personally present in the Court. She submits that the applicant is not responding to any of her calls. She has even obtained divorce from her first husband. There was no appearance on behalf of the applicant on 23/12/2022 when the matter was listed. Only by way of indulgence, the matter was adjourned to 12/01/2023. Again on 12/01/2023, there was no appearance and the matter was adjourned to 20/01/2023.

There is no appearance on behalf of the applicant even today. It is obvious that the applicant has no intention to abide by the statement made by him on 29/09/2022 and it was made only with a view to secure interim protection from this Court. This application therefore deserves to be dismissed. Interim protection granted by this Court on 29/09/2022 to stand vacated. The investigating officer to proceed with the matter.

(M. S. KARNIK, J.)