

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4167 OF 2022
IN
BAIL APPLICATION NO. 2573 OF 2022

Kundan Singh Dangi .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr. Vijay Kurle a/w Mr. Samkit Shah for the applicant.

Mr. Abhishek Yende a/w Adv. Surbhi Agrawal for Respondent No.2

Mr. N.B. Patil, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 20th APRIL 2023

P.C:-

1 Interim Application No. 4167 of 2022 is taken out by the applicant, seeking the following relief:

*a “That this Hon’ble Court be pleased to suitably relax the Order dated 20th October, 2022 passed by this Hon’ble Court in Criminal Bail Application No.2573 of 2022 to the extent of relaxing / modifying the condition imposed upon the application to **solemnise the marriage with the prosecutrix within two months** as per para no. (c) of the order on such terms and conditions as this Hon’ble Court may deem just, fit and proper.*

b That this Hon’ble Court be pleased to extend the time for furnishing the sureties for further Four weeks by

modifying the Condition (b) of the said Bail Order.”

2 The above relief is sought in the backdrop of an order passed by me on 20/10/2022 in an application filed by the applicant seeking his release on bail in the subject CR No. 399 of 2022 registered with Amboli Police Station, Andheri, Mumbai , which had invoked the offences punishable under Sections 376(2)(n), 323, 324, 420, 506 of IPC. The application came to be allowed since the applicant and the prosecutrix, both being adult, expressed an agreement that the marriage would be solemnized between them in the wake of the proximity that existed. Accepting the said statement, without going into the merits of the matter, since it was recorded that the prosecutrix is also desirous of solemnizing the marriage with the applicant, the applicant was released on bail by an order dated 20/10/2022.

3 The Interim Application is filed by the applicant seeking the relief, which is reproduced above, on the ground, that the applicant is unable to solemnize the marriage, in the wake of certain reliable information gathered by him and a conscience decision is taken by him not to solemnize the marriage.

 The application make a reference to certain CRs, which were registered at distinct police stations on the complaint of the prosecutrix, where it is alleged that similar allegations are levelled against distinct persons. I need not delve deep into

veracity of the said CRs but suffice it to note that since the applicant is not desirous of performing the marriage, he cannot be compelled to do so, for the reasons, which are stated in the application, veracity of which I do not intend to go into. However, the consequence of this, ultimately is recall of the order passed by me, releasing the applicant on bail on the ground that he is ready to solemnize marriage with the prosecutrix.

Since, I had not heard the application on merits, I deem it appropriate to recall the order dated 20/10/2022.

Upon the above cause of action being indicated, Mr. Kurle, on instructions of the applicant, who is present in the court state that he shall surrender to the concerned police station on or before 12:00 noon, tomorrow.

4 The applicant is at liberty to file a fresh bail application, which shall be heard on merits.

5 IA stands disposed off.

(SMT. BHARATI DANGRE, J.)