

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

ANTICIPATORY BAIL APPLICATION NO. 129 OF 2024

Shantilal Yashwant Kharat

..Applicant

Versus

State of Maharashtra

..Respondent

Dr. Samarth S. Karmarkar a/w. Janathan D'Silva i/b. Karmarkar and Associates for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

Mr. Durivendra Dubey a/w. Mr. Dileep Vishwakarma i/b. Shashikant Dubey for Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 17 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 167 of 2023 registered at Rasayani Police Station, District Raigad, on 07.08.2023, under sections 406, 420, 494, 498-A, 504 and 506 of the Indian Penal Code.

2. Heard Dr. Samarth Karmarkar, learned counsel for the applicant, Ms. Mahalakshmi Ganapathy, learned APP for the State and Mr. Durivendra Dubey, learned counsel for the Intervenor.

3. The F.I.R. is lodged by the informant. She has stated that, she came across the applicant's profile on a matrimonial site. Both of them contacted each other. The applicant met the informant in April 2022. They got married on 15.06.2022. After marriage the applicant asked for financial help. The informant had given him Rs.7 lakhs. The applicant pledged her ornaments and obtained loan of Rs.32 lakhs. In December 2022, she saw some indications that the applicant was having an affair with his colleague. The informant came back to her parental house on 05.01.2023. She made enquiries and she came to know that the applicant had married four times before marrying the informant. His first wife had passed away. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the allegations in the F.I.R. are not correct. His wife had passed away and thereafter he had married the present informant alone. He had not married anybody else in between. All the allegations are false.

5. Learned counsel for the intervenor submitted that, there are documents showing the applicant's marriage with other

ladies and there are documents in the nature of birth certificates etc. mentioning his name as the father.

6. Learned APP supported the contentions of the learned counsel for the intervenor and produced the investigation papers before the Court.

7. I have considered these submissions. The investigation papers contain certain documents. There is a birth certificate in respect of a girl child born on 03.05.2009. The mother's name is mentioned in that birth certificate. The father is shown as the present applicant. There is another birth certificate of another girl child. She was born on 15.04.2009. In that certificate, name of the mother is different, but the applicant's name as father is common. Thus, there are two birth certificates in the year 2009 in respect of two girls in which mothers were different but the father is the applicant himself.

8. There are proceedings of divorce by mutual consent filed in the year 2008, in which, the applicant's wife was another lady 'P'. These divorce proceedings were over resulting in divorce.

There is another divorce proceedings still pending; filed in the year 2018, in which, the wife is named as 'K'. Thus, there is sufficient material to show that the applicant has cheated many women. All this was concealed from the present first informant. Therefore, the offence of cheating is clearly made out apart from other offences. No case for grant of anticipatory bail order is made out.

9. The application is rejected.

(SARANG V. KOTWAL, J.)