

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.1543 OF 2020

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to enlarge the petitioners on bail in the event of their arrest.

2. The petitioners are A-5 and A-6 in Crime No. 169 of 2019 of Ambajipeta Police Station, East Godavari District.

3. The alleged offences against them are under Sections 417, 420, 494, 495, 496 r/w 114 I.P.C.

4. Briefly stated, it is the case of the prosecution that A-1 was already married to one Ravali. Suppressing the said fact, A-1 again married the *de facto* complainant and thereby cheated her. The petitioners herein, who are the relatives of A-1 fixed the marriage alliance of A-1 with the *de facto* complainant. Therefore, the petitioners have committed the aforesaid offences along with A-1 and other accused.

5. Heard the learned counsel for petitioners and the learned Additional Public Prosecutor.

6. Learned counsel for petitioners would submit that the petitioners are only the distant relatives of A-1 and they are not aware of the earlier marriage of A-1 with Ravali and as they were invited for the marriage alliance talks as relatives of A-1, that they have attended the said meeting. Therefore, he submits that they are innocent and thereby prayed for grant of anticipatory bail to the petitioners.

7. Learned Additional Public Prosecutor opposed the criminal petition. He would submit that the statement of the first wife of A-1

by name Ravali was recorded during the course of investigation as L.W.7 and she clearly stated that A-1 married her and their marriage certificate is also produced and it is evident from it that A-1 was already married. Suppressing the said fact, A-1 again married the *de facto* complainant and cheated her. He would further submit that the statement of L.W.4, who is the brother of *de facto* complainant, clearly shows that the petitioners herein have introduced A-1 to them and they fixed the marriage alliance and as such it cannot be said that the petitioners are innocent and in view of the seriousness of the allegations, as it is a case of cheating the *de facto* complainant by resorting to bigamous marriage, he would pray for dismissal of the petition.

8. Perused the record.

9. The statement of L.W.7 by name Ravali would *prima facie* establish that A-1 has earlier married her. The marriage certificate produced by her during the course of investigation also establishes the said fact. Therefore, during the subsistence of marriage of A-1 with L.W.7, A-1 again married the *de facto* complainant by suppressing his earlier marriage with L.W.7. Now, it is relevant to note that the statement of L.W.4, who is the brother of *de facto* complainant, stated that the petitioners herein, who are A-5 and A-6, introduced A-1 to them and they have fixed the marriage alliance. Therefore, it cannot be said that they are invited to the marriage talks as relatives as contended before this Court. The statement of L.W.4 shows that they have fixed the marriage alliance and they played a role in introducing A-1 to the brother of *de facto* complainant and in fixing the said marriage alliance. So, it can not be said that they have no prior knowledge of the earlier marriage of A-1 with L.W.7/Ravali. Therefore, in the facts and

circumstances of the case, having regard to the seriousness of the offences and the allegations made in this case against the accused, this Court is of the considered view that it is not a fit case for grant of anticipatory bail.

10. Therefore, the Criminal Petition is dismissed.

However, all the offences for which the F.I.R is registered, are punishable with less than seven years period of imprisonment, the Investigating Officer shall follow the procedure contemplated under Section 41-A of Cr.P.C.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date : 24-03-2020

(B/o)
AKN/ARR

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