# IPC Section 495: Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.

## IPC Section 495: Same Offence with Concealment of Former Marriage from Person with Whom Subsequent Marriage is Contracted – A Detailed Explanation  
  
Section 495 of the Indian Penal Code (IPC) builds upon Section 494, which deals with bigamy. While Section 494 criminalizes the act of entering into a second marriage during the subsistence of the first, Section 495 specifically addresses situations where the individual contracting the second marriage conceals the fact of their prior, subsisting marriage from the person they are marrying. This act of concealment adds an element of deception and fraud to the already unlawful act of bigamy. This detailed explanation will explore the various facets of Section 495, covering its definition, essential ingredients, punishment, evidentiary requirements, related sections, and relevant case laws.  
  
  
\*\*Definition:\*\*  
  
Section 495 of the IPC states: "Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of his or her previous marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."  
  
  
\*\*Essential Ingredients:\*\*  
  
To establish an offence under Section 495, the prosecution must prove all the essential ingredients of Section 494, along with the additional element of concealment:  
  
1. \*\*Subsisting Marriage:\*\* As in Section 494, the accused must have a husband or wife living at the time of the second marriage. This first marriage must be legally valid and subsisting.  
  
2. \*\*Second Marriage:\*\* The accused must have entered into a second marriage. This second marriage, as in Section 494, must be one recognized as a valid form of marriage under the applicable personal laws.  
  
3. \*\*Void Marriage:\*\* The second marriage must be void due to the subsistence of the first marriage.  
  
4. \*\*Concealment of Prior Marriage:\*\* This is the crucial element that distinguishes Section 495 from Section 494. The accused must have actively concealed the fact of their previous, subsisting marriage from the person with whom they contracted the subsequent marriage. This concealment involves an intention to deceive the other party and induce them into the marriage under false pretenses. Mere silence or non-disclosure may not be sufficient; the prosecution needs to demonstrate a deliberate act of concealment.  
  
  
\*\*Punishment:\*\*  
  
Section 495 prescribes a more severe punishment than Section 494. The punishment for this offence is imprisonment of either description (rigorous or simple) for a term which may extend to ten years, and also a fine. The enhanced punishment reflects the aggravated nature of the offence due to the element of deception and fraud involved in concealing the prior marriage.  
  
  
\*\*Evidentiary Requirements:\*\*  
  
The prosecution must present sufficient evidence to prove all the essential ingredients of Section 494, along with the element of concealment, beyond reasonable doubt. This includes:  
  
\* \*\*Proof of subsisting first marriage:\*\* Similar to Section 494, documentary evidence or witness testimonies.  
\* \*\*Proof of second marriage:\*\* Documentary evidence or witness testimonies establishing the second marriage.  
\* \*\*Evidence of concealment:\*\* This is the most crucial aspect of proving an offence under Section 495. The prosecution must present evidence demonstrating that the accused actively concealed their prior marriage from the person with whom they contracted the second marriage. This could involve witness testimonies, letters, emails, or any other communication that shows the accused's efforts to hide their marital status. The prosecution must also demonstrate that the second spouse was unaware of the prior marriage. The testimony of the second spouse is often crucial in establishing this element.  
  
  
  
\*\*Related Sections:\*\*  
  
Section 495 is closely related to Section 494 and other provisions in the IPC dealing with offences against marriage, including Section 496 (Marriage ceremony fraudulently gone through without lawful marriage) and formerly Section 497 (Adultery, now decriminalized).  
  
  
\*\*Important Case Laws:\*\*  
  
Judicial interpretations of Section 495 have clarified various aspects of its application. Some key principles established through case laws include:  
  
\* \*\*Active concealment required:\*\* Mere silence or failure to disclose the previous marriage may not always constitute concealment under Section 495. The prosecution must demonstrate active steps taken by the accused to hide their marital status.  
\* \*\*Second spouse's knowledge is crucial:\*\* The prosecution must prove that the second spouse was genuinely unaware of the accused's prior marriage.  
\* \*\*Evidence of intention to deceive:\*\* While not explicitly stated in the section, courts often look for evidence suggesting the accused intended to deceive the second spouse by concealing their prior marriage.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 495 of the IPC addresses the specific scenario where an individual contracting a second marriage actively conceals their prior, subsisting marriage from the person they are marrying. This element of deception distinguishes it from the general offence of bigamy under Section 494. The enhanced punishment under Section 495 reflects the gravity of the fraudulent act involved. Successful prosecution requires the prosecution to not only prove the elements of bigamy but also establish beyond reasonable doubt that the accused actively concealed their prior marriage from their second spouse with the intention to deceive. The judicial interpretations of this section have contributed to a nuanced understanding of the requirement of “concealment” and its implications.