

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.422 of 2015

Shaikh Ismail S/o Shaikh Nabi. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. E.P. Sawant, Advocate, holding for Shri. Mahesh P. Kale, Advocate, for applicant.

Smt. Y.M. Kshirsagar, Additional Public Prosecutor, for respondent.

Shri. Surendra V. Suryawanshi, Advocate, to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 10th FEBRUARY 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. Learned counsel Shri. S.V. Suryawanshi was allowed to assist the learned Additional Public Prosecutor.

2) Crime is registered on the basis of report given by the uncle of the victim girl. He has contended that the

father of the victim girl is not normal and he is not taking care of his wife and the daughters. Father of the victim girl has seven daughters. Out of these seven daughters, two are married and five daughters were minor and they were living with their mother. The complainant has made allegations that the victim girl was aged about 16 years at the relevant time. She was given in marriage by her mother to the present applicant who is aged 40 years and thereby he committed the offence. Initially crime was registered for offence under sections 8 and 9 of the Prohibition of Child Marriage Act, and under sections 363, 365, 366, 376 of the Indian Penal Code. Thereafter the crime was registered for offences under the Protection of Children from Sexual Offences Act.

3) This Court has gone through the statement given by the victim girl. In view of this statement it is clear that the victim girl has delivered a child from the applicant and the applicant is not denying the relationship. The mother of the victim girl is with her and the uncle is opposing to the relationship. This Court holds that bail needs to be granted to the applicant. It appears

that this Court (other Hon'ble Judge) has granted relief of anticipatory bail to the mother of the victim girl.

4) In the result, the application is allowed. The applicant is to be released on bail in Crime No.3087/2014 registered in Gangakhed Police Station District Parbhani for offences punishable under sections 8, 9, 10 11 of the Prohibition of Child Marriage Act, 2006, sections 420, 363, 365, 366, 376 of the Indian Penal Code and sections 3 and 4 of the Protection of Children from Sexual Offences Act on his furnishing PR and SB of Rs.15,000/-. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences.

Sd/-
(T.V. NALAWADE, J.)

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