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

CRIMINAL APPLICATION NO.4841 OF 2015

Bindiya w/o Ajit Nandedkar
and anr.

..APPLICANTS

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mr N.B. Suryawanshi, Advocate for applicants;
Mrs M.A. Deshpande, A.P.P. for respondents

**WITH
CRIMINAL APPLICATION NO.4934 OF 2015**

Jagdish Bhaskarrao Neve & ors. ..APPLICANTS

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mrs R.B. Bhokarikar, Advocate holding for Mr M.R. Bhokarikar, Advocate
for applicants;
Mrs M.A. Deshpande, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 26th October, 2015

ORAL ORDER :

Heard learned Counsel for the parties.

2. By these applications, the applicants seek their release on pre-arrest bail, in connection with C.R. No. 126 of 2015, registered with Jalgaon city police station, Jalgaon, for offences punishable under sections

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384, 506 (II), read with sec. 34 of the Indian Penal Code and sections 10, 11 (1), (ii), 12 (a) (b) of the Prohibition of Child Marriage Act, 2006.

3. It is the case of the prosecution that the applicants herein have forced the son of the complainant Laxman, namely, Vishal to marry one Pooja, though he was a minor.

4. Perusal of the first information report depicts that the incident in question has taken place on 30th June, 2015 onwards. The first information report came to be lodged almost after a period of one month, for which there is no convincing explanation. According to the prosecution, the applicants, by forcing said Vishal to marry Pooja, though he was a minor, have committed an offence and as such, custodial interrogation is necessary, in view of their *prima facie* involvement in the crime in question.

5. Heard Mr Suryawanshi and Mrs Bhokarika, learned Counsel appearing on behalf of the applicants. While making out a case for grant of pre-arrest bail, they would urge that the crime is registered pursuant to matrimonial differences and the present applicants, who are social workers, are impleaded as accused in the crime in question. According to the applicants, apart from the delay in lodging the first information report, the probability of commission of the offence by the applicants, upon perusal of the first information report, is almost nil. The applicants then submit that custodial interrogation, in any case, is not required in the

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present case and in view of interim protection ordered by this Court, they have co-operated with the investigating agency. Thus, the applicants pray for grant of pre-arrest bail.

6. While opposing the applications, learned Addl. Public Prosecutor, would urge that the custodial interrogation, in view of the nature of the offence alleged against the applicants, is very much necessary. She then would urge that, as regards applicants Jagdish Bhaskarrao Neve and Hemlata Rokade, there are other similar offences registered, of which this Court must take note of and as such, prayed for rejection of applications.

7. Looking to the nature of accusation in the first information report and the probable story narrated, the fact remains that there is delay of about one month in lodging the first information report, for which no convincing explanation is given. Apart therefrom, it is an admitted position on record that that Vishal and Pooja were in love with each other and thereafter have entered into the marriage. The complainant Laxman has lodged complaint in the matter, after a period of about one month, though he was aware about the same, as is apparent from the investigation papers.

8. During the period of interim bail, the applicants appear to have co-operated with the investigating agency and the vehicle and other instruments, alleged to have been required to be seized in the crime in question, are already seized.

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9. In view of above, in my opinion, custodial interrogation of the applicants is no more required in the crime in question. Thus, the interim protection granted to the applicants needs to be confirmed. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No. 126 of 2015, registered with Jalgaon city police station, Jalgaon, for offences punishable under sections 384, 506 (II), read with sec. 34 of the Indian Penal Code and sections 10, 11 (1), (ii), 12 (a) (b) of the Prohibition of Child Marriage Act, 2006, they be released on bail, on each of them furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially for four days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

The applicants shall keep themselves away from the jurisdiction of the concerned police station, till filing of the charge-sheet, save and except for attending the police station.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

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