

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 758 OF 2015

Sou. Lilabai Appa Dhumal	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Amar Kale i/b. Mr. Prashant S. Hagare, Advocate for the Applicant.
Mr. Arfan Sait, APP for Respondent – State.
I.O. Mr. P.B. Jadhav, Assistant Sub-Inspector, Daund Police Station, Pune
Gramin present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 8, 2015**

P.C.:

The applicant has moved this Application for pre-arrest bail, as she apprehends arrest in a criminal case involving offence of rape, under sections 6 and 17 of Protection of Children from Sexual Offences Act, 2012 and sections 10 and 11 of Prohibition of Child Marriage Act, 2006. The aunt of prosecutrix has given this complaint against the applicant/accused, who has participated in performing the marriage of child girl with accused no. 1.

2. The learned counsel for the applicant/accused has submitted that the applicant is a woman of 67 years old. She is falsely implicated in this case because a civil litigation is going on between her husband and father of prosecutrix. It is submitted that the applicant was only present at the

time of marriage. She has not committed any offence.

3. Learned APP submitted that the marriage has taken place in March 2015 and the applicant was not only present but she has taken initiative in performing the marriage.

4. On perusal of the papers, it is found that the prosecutrix was 13 years old. She was taken to other village on the pretext to give her education. The applicant/accused was active in arranging the marriage and performing it. Considering the plight of the girl child, who was subjected to further sexual assault, it is not a case to grant pre-arrest bail. Hence, the Application for anticipatory bail is rejected.

(MRS.MRIDULA BHATKAR, J.)