

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1673 OF 2015**

Appa Dinkar Dhumal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kuldeep S. Patil i/b Mr. Prashant S. Hagare for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 28TH SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 98 of 2015 registered with the Daund Police Station, Pune, for the alleged offences punishable under Sections 376(1) r/w 34 of the Indian Penal Code and under Sections 6 and 17 of the Protection of Children from Sexual Offences Act. It appears that subsequently Sections 3 and 4 of the Child Marriage Restraint Act came to be added.

3. Learned Counsel for the applicant states that the allegation *qua* the applicant, who is aged 72 years, is that he got the minor girl aged 13 years married to one Navnath Bondre, inspite of knowing that the victim girl was a minor.

4. Learned Counsel for the applicant states that as far as allegations of Section 376 and other Sections are concerned, the same are as against the other accused and the only Section that would apply to the present applicant would be under the Child Marriage Restraint Act. He submits that the applicant is aged 72 years and that the investigation is complete and the charge-sheet is filed.

5. Learned A.P.P does not dispute the fact that the only allegation against the applicant is that despite the victim girl being a minor, the applicant got the victim girl married to co-accused Navnath Bondre, who was 21 years of age.

6. Considering the nature of allegations and the fact that the applicant is 72 years of age and the fact that the investigation is complete

and charge-sheet is filed, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial;

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
order.
