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Marriage Restraint Act, 1929. Investigation is completed and charge-sheet is filed.

3 On 1st November, 2017 Mrs. X lodged a report at the police station alleging therein that she had a married sister at village Marad. She and her others had been to village Marad and at that time, their brother-in-law had informed them that he knows a young boy whose economic condition is good and that he had taken proposal of the complainant to the said boy i.e. the present applicant. On 10th May, 2017 the members of the family of the present applicant had been to the house of sister of the informant to see the proposal. After various meetings, marriage was settled and on 27th May, 2017, the first informant had got married with the present applicant. She had resided in her matrimonial house till 1st week of October, 2017 and thereafter, a report was lodged against the present applicant and her relatives and others for offence punishable under the Child Marriage Restraint Act, 1929 since the informant was 15 years old at the time of marriage.

4 The statement of prosecutrix was recorded in question and

answer form and she had stated that she had studied up to 4th Standard. Initially, she was not ready to marry but she was coerced by her parents, her sister, brother-in-law and other relatives from both the sides and therefore, she had consented to marry the applicant, but she had to face certain difficulties in her matrimonial house. She had rescued from the custody of her in-laws and husband. From 12/9/2017 till 18/9/2017 she continued to stay at railway station. She had met a woman from her village and had informed her about the same and the said woman had taken her to Ratnagiri Police Station and lodged a report which was registered as zero number and thereafter, it was transferred to Patan Police Station for further investigation. It is pertinent to note that the statement of the prosecutrix is recorded under section 164 of the Code of Criminal Procedure, 1973, wherein she has candidly stated that she had given consent for the marriage and had stayed in her matrimonial house. The version in the statement under section 164 of the Code of Criminal Procedure, 1973, in which it appears that she had stayed in the matrimonial house till October, 2017 but within four days after the marriage she had fallen ill and was admitted in Shriratna Hospital on 31/5/2017 with complaint of

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extreme generalised weakness, dry cough. She was treated as indoor patient till 7/6/2017 and thereafter, she was taken to her parents' house. The certificate issued by Shriratna Hospital is a part of the charge-sheet.

5 The learned APP submits that since, the prosecutrix was hardly 15 years old, an offence was registered and her consent cannot be taken into consideration. This is a peculiar case whether parents had got their daughter married to a young boy and thereafter, the complaint has been lodged against the relatives and parents as well as present applicant for offence punishable under section 376 of the Indian Penal Code. The statement under section 164 of the Code of Criminal Procedure, 1973 does not corroborate the statement recorded under section 161 of the Code of Criminal Procedure, 1973. Both the statements are at variance.

6 Taking into consideration the papers of investigation, this Court is of the opinion that the applicant deserves to be enlarged on bail.

7 Hence following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]