

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 173 OF 2019

Shayana Manik Shaikh

...Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. M.H. Jahagirdar, Advocate for the applicant.

Mr. Y.M. Nakhawa, APP for State.

P.I. Mr. Jayawant Y. Pawar, Goregaon Police Station
present.**CORAM : SANDEEP K. SHINDE, J.****Tuesday, 17th December, 2019.****P.C. :**

1. Heard learned Counsel for the parties.
2. Applicant (mother of victim-child), is

accused no.2 in POCSO Special Case No. 365 of 2017. It is alleged, the applicant promoted and permitted solemnisation marriage of victim-child with accused no.1, who then allegedly subjected her to sexual assault. In view of these allegations, Crime No. 128 of 2017 came to be registered under Sections, 376(2)(n) of the Indian Penal Code read with Sections 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act r/w. Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006 ("2006 Act" for short). The applicant came to be apprehended in May, 2017. The facts revealed that, since the applicant promoted her minor daughter's marriage against her wish with accused no.1, offence under Section 11 of the 2006 Act is registered which is punishable with rigorous imprisonment which may extend to two years and is also liable for fine which may extend to Rs.1,00,000/-. Applicant is in custody, since more than two years.

3. In view of the nature of accusation, the

Bail Application is allowed. The applicant arrested in C.R. No. 128/2017 by Mahim Police Station, is directed to be released on bail on furnishing P.R. Bond of Rs.10,000/- (Rs. Ten Thousand only) with one or two sureties in the like amount.

3. The prosecution shall ensure that the victim is adequately protected.

4. The Bail Application stands disposed off.

(SANDEEP K. SHINDE, J.)