

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Anticipatory Bail Application NO. 2064 OF 2019

1. Alka Dada Ghule, &	
2. Dada Tatyaba Ghule.	...Applicants
<i>Versus</i>	
The State Of Maharashtra	...Respondent

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Mr. Ranjeet M. Pawar, Advocate for the Applicants.
Mr. S.H. Yadav, APP, for the Respondent-State.

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CORAM : SARANG V. KOTWAL, J.

DATE : 24th SEPTEMBER, 2019

PC.

1. The applicants are seeking anticipatory bail in connection with C.R. No.334/2019 registered at Daund Police Station, District - Pune under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2007 (hereinafter referred to as the 'said Act') and under Section 506 of I.P.C.

2. The FIR is lodged by the victim herself. She has stated that she was residing with her mother, grand-mother, uncle and aunt. She was studying in 9th standard and she was 15 years of age. On 6.6.2019, her uncle Shivaji and other relative Sindhu as

well as her mother took her to Kapadgaon, Taluka – Khandala, District – Satara on some pretext. That time she came to know that her uncle had fixed her marriage with one Ramesh Ghule. The victim protested and she told her mother and other relatives that she did not want to get married. But her relatives forced her to get married. On 6.6.2019, they forcefully married her with Ramesh Ghule. It is her case that she had told her husband and his parents that she was not willing to marry at that time and she was only 15 years of age, but, they did not listen to her. The applicants are the parents of Ramesh Ghule. On the next day, the victim rescued herself by taking advantage of the crowd gathered near a temple. She reached Daund police station and lodged her FIR.

3. I have heard Shri Pawar, learned Counsel for the applicants and Shri Yadav, learned A.P.P for the State.

4. Learned Counsel for the applicants stated the mother of the girl as well as her husband were arrested and as of today are released on bail. He submitted that the applicants, who are parents of the husband, have no role to play in the entire episode. In any case, Sections 9 and 11 of the said Act are not applicable against

them. The only possible Section attracted against them is Section 10 which provides for punishment of maximum two years. Though the offence is non-bailable, considering their minor role, custodial interrogation is not necessary.

5. Learned A.P.P. opposes these submissions and added that the applicants who were parents of the husband were aware of the age of the victim and they should have prevented this marriage.

6. I have considered all these submissions. It is true that as the victim was forced to marry against her wish and she was only 15 years of age, the offences are squarely made out against the accused. The only offence attracted against the present applicants is Section 10 of the said Act. Though the applicants will have to ultimately face the trial, at this stage, in the FIR itself, no specific role is attributed to them. The FIR does not show that they had played any active part in arranging the marriage. Undoubtedly they were present at the time of marriage and the victim had told them about her age, but by that time, the arrangements were already made and relatives from both sides

were present.

7. In these circumstances, custodial interrogation of the applicants will not serve much purpose, though they will have to cooperate with the investigation and will have to ultimately face the trial. Hence the following order:

ORDER

- (i) In the event of their arrest in connection with C.R. No.334/2019 registered at Daund Police Station, District – Pune, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned police station as and when called.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)