

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (BA) NO.554/2019**

Shaikh Sadique Shaikh Haidar Vs. State of Maharashtra, through  
PSO P.S. Malkapur, Dist. Buldhana and another.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions      Court's or Judge's orders.  
and Registrar's Orders.

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Mr. A.R. Prasad- Advocate for applicant.  
Mr.N.B. Jawade, A.P.P. for non applicant-State.  
Mr. H.I. Kothari, Advocate for non-applicant No.2.

**CORAM : V. M. DESHPANDE, J.**  
**DATED : SEPTEMBER 23, 2019**

Heard Mr.Prasad, learned counsel for the applicant, Mr. Jawade, learned Additional Public Prosecutor for the State and Mr. Kothari, learned counsel for the non-applicant no.2/original complainant.

Both applicant and non-applicant no.2 are personally present before the Court.

The applicant was arrested on 29.01.2019 in connection with Crime No.24/2019 registered with Police Station, Malkapur, Dist. Buldhana for the offences punishable under Sections 376, 376 (3), 376 (2) (j) (n), 452, 506 of the Indian Penal Code and Sections 3, 4, 5 (I) and 6 of the Protection of Children from Sexual Offences Act, 2012.

Report was lodged by non-applicant no.2 herself. As per the report, the applicant and non-applicant no.2 were in acquaintance with each other

from 2015 and on the promise of marriage the applicant used to establish sexual relations. However, subsequently he refused to marry with the non-applicant no.2, prompting her to lodge the report with the police station. The investigation is over and charge-sheet is already filed.

On 22.07.2019, this Court (Coram: Manish Pitale, J.), in view of the affidavit filed on behalf of the non-applicant no.2 that there is possibility of marriage in between applicant and non-applicant no.2, granted temporary bail in favour of the applicant. After release of the applicant on temporary bail there took marriage in between applicant and non-applicant no.2 as per Muslim religious customs and rites on 27.09.2019 at Masjide Aksa, Madar Tekdi, Parpeth, Malkapur, Dist. Buldhana, in that behalf as per direction given in order dated 22.07.2019, the applicant filed an affidavit vide Stamp No.4704/2019 on record.

Mr. Kothari, learned counsel for the non-applicant no.2 make solemn statement before this Court that now marriage has already performed with her by the applicant.

The statement is accepted.

In view of aforesaid fact and the charge-sheet is already filed before the Court of law, in my view present application can be considered favourably. Consequently, I pass following order.

**ORDER**

- (i) The application is allowed.
- (ii) The temporary bail order dated 22.07.2019 passed by this Court (Coram: Manish Pitale, J.) stands confirmed.

The application is disposed of.

**JUDGE**

*srwagh*