

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1750 OF 2019

Hamid Hasanali Hakim and Anr. ...Appellants

vs.

The State of Maharashtra and Anr. ...Respondents

Mr.Prashant P Raul for the Appellants.

Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 2/1/2020.

PC.:

. Offence registered against the appellants are under sections 366, 376, 323 read with 34 of IPC. Sections 4, 6 and 8 of POCSO, sections 9, 10 and 11 of Prohibition of Child Marriage Act and sections 3(1), 10, 3(2), va, 3(1)(a) of SC/ST Act.

2. Anticipatory Bail Application moved by appellants has been rejected by Session's Judge, Kolhapur on 18/11/2019. Effort of learned counsel is to urge that only role alleged to be played by appellants is that of mediators. It is also submitted that there are no averments to support any caste based allegations. Victim has herself stated that she was victimized from January 2019 till May 2019 and was allegedly driven out by other accused persons. The contention is, in this situation anticipatory bail ought to have been allowed.

3. Learned APP submits that victim is supported by her mother and under the guise of helping her in education, she was taken to resort

belonging to appellants where against her wish, her marriage was performed. It is pointed out that victim is minor and as such offence under IPC and POCSO are prima facie established. Learned APP states that there are several accused persons and as anticipatory bail is sought, investigation is still not complete.

4. We have perused papers. We are not influenced with contention that there are no caste based allegations in the statement of victim. Prima facie her statement shows impression given to her and story narrates how she was deceived and forced to marry. The marriage has taken place at the resort of appellants. Role played by appellants is also apparent from events which victim has described and which transpired on 5/1/2019 i.e. long before marriage.

5. In this situation, we do not find any jurisdictional error or perversity in the impugned order. No case is made out. The appeal is rejected.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)