

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 5 OF 2021

1. Raheman Juma Khatik
 2. Rukhsana Raheman Khatik
 3. Arif Raheman Khatik
- Applicants

Versus

The State of Maharashtra

Respondent

Mr. H.F. Pawar, Advocate for the applicants.

Mr. S.J. Salgare, APP for respondent.

CORAM : M.G. Sewlikar, J.

DATE : 29th January, 2021.

PER COURT :

1. Heard Shri Pawar, learned counsel for the applicants and Shri Salgare, learned APP for the State.

2. The allegations as detailed in the First Information Report are that the victim was 16 years and 3 months old at the time when her marriage was solemnised with applicant No. 3. Applicant No. 1 is the father-in-law and applicant No. 2 is the mother-in-law of the victim. Applicant No. 3 married victim despite knowing that the victim was below 18 years of age. Applicant Nos. 1 and 2 promoted the marriage by not objecting to it. On the basis of these allegations,

the offence under Section 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 and Section 5(j)(ii), 5(l) and 6 of Protection of Children from Sexual Offence Act, 2012 was registered.

3. On perusal of police papers produced by learned APP it reveals that the date of birth of the victim is 4th December, 2003, which means even now, she is under 18 years of age. The only allegation against applicants is that they promoted child marriage. Learned APP Shri Salgare submitted that if the application is allowed, it will send a wrong message in the society. However, having regard to the allegations made in the First Information Report and perusal of police papers, it appears that custodial interrogation of applicants No. 1 and 2 is not necessary.

4. Learned counsel Shri Pawar states that applicant No. 3 came to be arrested during the pendency of this application. He, therefore, seeks permission to withdraw the application to the extent of applicant No. 3. Permission is granted to withdraw the application to the extent of applicant No. 3.

5. Having regard to the foregoing discussion, interim protection is confirmed in favour of applicant Nos. 1 and 2 on the same terms and conditions.

6. Application stands disposed of accordingly.

(M. G. SEWLIKAR)
JUDGE

dyb