

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1236 OF 2021

Vitthal S/o Narayan Gaikwad

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
- 2) Party - XYZ

...RESPONDENTS

...
Shri Somnath G. Ladda Advocate for Applicant.
Shri V.M. Kagne, A.P.P. for Respondent No.1 – State.
Smt. Sarika S. Puri Advocate with Shri Shivaji N.
Dudhate Advocate for Respondent No.2.
...

CORAM: M.G. SEWLIKAR, J.

DATE : 1st DECEMBER, 2021

ORDER :

- 1. Heard.
- 2. Informant has filed this first information report alleging therein that her father and her uncle got prepared a fake Adhar Card showing her to be major. On 21st December 2019 her marriage was performed with the applicant. Thereafter she

learnt that her father and uncle had sold her to one Bhavna Chawla for Rs.2,00,000/-. She was raped there by two unknown persons. Again she was sold by her parents to one Sandip Mali for Rs.4,00,000/-.

3. In the first information report, the informant has alleged that her father sold her to applicant for Rs.2,00,000/-. When she was living with the applicant, she was subjected to ill-treatment by the mother of the applicant, sister of the applicant and other family members. She had, therefore, telephonically called maternal aunt (*Mawshi*). Applicant himself took her to Dahiwadi Police Station. Her mother, maternal aunt and others were there. Thereafter, she went with her mother. Upon the lodging of the First Information Report (FIR), offences under Sections 366(2)(J) (N), 370, 372, 313, 465, 504, 506, 323, 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 came to be registered against the applicant.

4. Heard Shri Ladda, learned counsel for the applicant and Shri Kagne, learned A.P.P. for the State and Shri Dudhate, learned counsel for the respondent No. 2 – informant.

5. Learned counsel Shri Ladda submits that in the FIR itself, it is alleged that the age of the informant was shown on higher side by preparing a fake Adhar Card. He submits that the conduct of the applicant shows that he had no role to play in the alleged sale of the informant. Applicant himself had produced the informant in Dahiwadi Police Station. If he had purchased the informant, he would not have produced her in the Police Station.

6. Learned APP Shri Kagne and learned counsel Shri Dudhate took strong objection for release of the applicant on bail contending that it is a serious offence.

7. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that in the FIR itself the informant has alleged that fake Adhar Card was prepared by her father and uncle. This clearly shows that by preparing fake Adhar Card, the informant was shown to be major. Applicant believed the Adhar Card. He had no reason to doubt the authenticity of the Adhar Card and therefore, he performed marriage with the informant. That apart, there is nothing on record to show that the informant was sold to the applicant. The conduct of the applicant taking the

informant to the Police Station, Dahiwadi belies the allegation of selling informant to him.

8. Since charge-sheet is filed and applicant has permanent residence at Kolewadi, Taluka-Maan, District-Satara and nothing is brought on record to show that the applicant has criminal antecedents, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

(i) Bail Application is allowed.

(ii) Applicant be released on bail on his furnishing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand) with one solvent surety in the like amount, in connection with Crime No. 0879 of 2021 registered with Police Station, M.I.D.C. Waluj, Aurangabad, for the offences punishable under Sections 366(2)(J) (N), 370, 372, 313, 465, 504, 506, 323, 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

(iii) Bail Application is disposed of.

(iv) It is clarified that the observations made in the above order are restricted to the decision of this

application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]

asb/DEC21