

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

937 BAIL APPLICATION NO.1552 OF 2020

1. SAVITRIBAI W/O. BABURAO GABALE
2. BABURAO KISHANRAO @ GANGARAM GABALE
3. SUBHASH S/O BABURAO GABALE
4. SUNITA W/O SUBHASH GABALE
5. USHABAI W/O JAGANNATH DHEMBARE
6. DAMAJI S/O TIKARAM DUKARE
7. NIRMALABAI W/O DAMAJI DUKARE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Chavan Sudhir K.

APP for Respondent-State : Mr. A. S. Shinde.

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CORAM : V. K. JADHAV, J.

DATE : 07.01.2021

PER COURT :-

1. The applicants are seeking regular bail in connection with Crime No.504 of 2020 registered with Gangakhed Police Station, District Parbhani for the offences punishable under Sections 498-A, 494, 323, 504 read with Section 34 of IPC, Section 4 and 6 of POCSO Act and Section 9, 10 and 11 of Prohibition of Child Marriage Act, 2006. Their Bail Application with similar prayer came to be rejected by the learned Additional Sessions Judge, Parbhani.

2. Heard both the sides.
3. The applicants are in jail in connection with the present crime in between 6th and 7th December, 2020. The informant got married with co-accused Balasaheb way back in the year 2003 and the couple was blessed with three daughters. There are allegations in the complaint that the informant was subjected to ill-treatment for the reason that she was giving birth to female child. It has also been alleged that co-accused / husband Balasaheb has performed the second marriage. However, considering the nature of the allegations and since the applicants are in jail for a considerable period, I am inclined to release all the applicants on bail. Hence, following order :

ORDER

1. The application is hereby allowed.
2. Applicant No.1. SAVTRIBAI W/O. BABURAO GABALE, 2. BABURAO KISHANRAO @ GANGARAM GABALE, 3. SUBHASH S/O BABURAO GABALE, 4. SUNITA W/O SUBHASH GABALE, 5. USHABAI W/O JAGANNATH DHEMBARE, 6. DAMAJI S/O TIKARAM DUKARE

and 7. NIRMALABAI W/O DAMAJI DUKARE in connection with Crime No.504 of 2020 registered with Gangakhed Police Station, District Parbhani for the offences punishable under Sections 498-A, 494, 323, 504 read with Section 34 of IPC, Section 4 and 6 of POCSO Act and Section 9, 10 and 11 of Prohibition of Child Marriage Act, 2006, be released on bail on furnishing P.B. of Rs.5,000/- (Rupees Five Thousand only) each with one surety of the like amount each on the following conditions :-

- a] The applicants shall not tamper with the prosecution evidence in any manner.
 - b] The applicant Nos.2, 3 and 6 shall attend the concerned police station once in a week i.e. on every Sunday between 8.00 to 11.00 a.m. till filing of the charge-sheet and the remaining applicants shall make themselves available as and when required by the Investigating Officer for carrying out further investigation into the crime, if any.
3. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-