

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

ANTICIPATORY BAIL APPLICATION NO. 1258 OF 2021

1. Shekhar s/o Dagdu Jadhav ... **Applicants**
2. Chhabubai Shekhar Jadhav

VERSUS

The State of Maharashtra and another ... **Respondents**

WITH

Mr. Pathan Yunus Basheer, Advocate for the applicants,
Mr. V. S. Badakh, A.P.P. for the State.
Mr. S.S. Shinde, Advocate for respondent No. (appointed through Legal Aid)

ANTICIPATORY BAIL APPLICATION NO. 1380 OF 2021

Abasaheb Asaram Vintor ... **Applicant**

VERSUS

The State of Maharashtra and another ... **Respondents**

Mr. Patil Vinod Prakash, Advocate for the applicant,
Mr. V. S. Badakh, A.P.P. for the State.
Mr. S.S. Shinde, Advocate for respondent No. (appointed through Legal Aid)

CORAM : PRAKASH D. NAIK, J.

DATE : 17th December, 2021

ORDER:

1. The offences are registered vide Crime No.0693 of 2021 with Newasa Police Station, Dist. Ahmednagar, under Section 376(2) (n) read with Section 34 of Indian Penal Code, Sections 3 and 4 of POCSO Act and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, under Section 3 of Maharashtra Prevention and Eradication of Human

Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2. Learned Counsel for the applicants in ABA No.1258/2021 submitted that the applicants are father-in-law and the mother-in-law of the victim. The allegations in the FIR are that the victim was forced to perform marriage with accused No.1 Sandip Shekhar Jadhav. He has been arrested and he is in custody. It is submitted that the mother and aunt of the victim were granted anticipatory bail by the Sessions Court. The victim is minor.

3. The learned counsel for the applicant in ABA No.1380/2021 the applicant is being implicated for having committed offence under the provisions of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. The Applicant is 63 years old person. He was not part to the marriage of the victim with co-accused. He has no knowledge about the fact that the marriage was performed with minor. There are no criminal antecedents against him.

4. Learned counsel for the applicant in ABA No. 1258/2021 further submitted that the charge sheet is filed against the arrested accused. From the charge sheet, it can be said that the statement of victim was recorded under section 164 of the Criminal Procedure Code

on 11th October, 2021 wherein it is mentioned that her marriage was performed on 24.05.2021 with Sandip Shekhar Jadhav by her uncle and aunt. Their names were mentioned. She was assaulted by them. Her neighbours had also assaulted her. She informed about the incident to her grandfather. Since she was not taking bath, she was taken to person who was performing black magic. With the help of grandfather complaint was lodged with the police.

5. It is submitted that the said statement does not attract any overt act to the applicants. Learned APP submitted that the statement of villagers were recorded during the course of investigation wherein they have stated that marriage was performed secretly by co-accused. Learned appointed Advocate to represent the complainant submitted that all the accused were involved in the offence. He relied upon the decision of this Court delivered in Criminal Bail Application No. 2757/2021, wherein, bail was refused to the accused who were prosecuted for similar offence.

6. From the factual matrix as stated above, it can be seen that in the statement of victim recorded under section 164 Cr.P.C. no role is attributed to the applicants in ABA No.1258 of 2021. Similarly, name of the applicant in ABA No. 1380 of 2021 is also not reflected. Applicant in ABA No. 1380/2021 is senior citizen. Husband of the victim, mother

and aunt were arrested. They have been granted bail. Applicant in ABA No.1380/2021 is not concerned with marriage of victim.

7. In view of the above, applicants need not be subjected to custodial interrogation.

8. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application Nos.1258/2021 and 1380/2021 are allowed;
- ii. Interim orders are confirmed.
- iii. In the event of arrest of the applicants in Crime No.0693 of 2021 registered with Newasa Police Station, Dist. Ahmednagar, the applicants be released on bail on executing PR bond in the sum of Rs. 20,000/- each with one or more sureties in the like amount;
- iv. The applicants shall appear before the investigating officer on 27th 28th and 29th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
- v. Learned appointed advocate shall be paid professional fees according to Rules.
- vi. Anticipatory Bail Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC