

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2151 OF 2021**

Amol Dattatray Darange

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Subodh Desai i/b. Mr.Ashish Sawant for Applicant.

Mrs.Anamika Malhotra, A.P.P. for Respondent No.1-State.

Mr.S.N. Godase, HC/398, Karkamb Police Station, District Solapur (R.).

CORAM : A.S. GADKARI, J.**DATE : 13th September 2021.****PC. :**

1. The Applicant is apprehending arrest in connection with C.R. No.0183 of 2021 dated 13th June 2021 registered with Karkamb Police Station, District Solapur (R.) for the offence punishable under Section 363, 366 read with 34 of The Indian Penal Code, Section 4 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 9, 10 of The Prohibition of Child Marriage Act, 2006.

2. Heard Mr.Desai, learned counsel for the Applicant and Mrs.Malhotra, learned A.P.P. for State. Perused chargesheet.

3. The prosecution case in nutshell is that, Mr.Vinayak Gore (accused No.1) allegedly abducted prosecutrix, who was aged about 14 years,

from the lawful custody of her parents and performed marriage with her on 11th June 2021 at Madha, District Solapur. It is alleged that, the Applicant being friend of Mr.Vinayak Gore (accused No.1) helped in his eloping with the prosecutrix and performing marriage with her. It is further alleged that, the Applicant assisted Mr.Vinayak Gore (accused No.1) in providing a shelter in the intervening night of 11 and 12th June 2021 with a witness by name Mr.Vaijinath Tonpe.

4. The only role attributed to the Applicant is that, he assisted Mr.Vinayak Gore (accused No.1) in performing his marriage with the prosecutrix, who was a minor and thereafter accompanying them to the house of Mr.Vaijinath Tonpe, a witness in the present crime. No other overt act is attributed to the Applicant. Record indicates that, Mr.Vinayak Gore (accused No.1) has been arrested by police and he is still behind bars. The police have already completed investigation and submitted chargesheet.

5. After perusing chargesheet and other record of investigation, this Court is of the view that, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary and he can be protected by pre-arrest bail.

6. Hence, the following Order:-

(i) In the event of arrest in C.R. No.0183 of 2021 dated

13th June 2021 registered with Karkamb Police

Station, District Solapur (R.) for the offence punishable under Section 363, 366 read with 34 of I.P.C., Section 4 of P.O.C.S.O. Act and Section 9, 10 of Prohibition of Child Marriage Act, the Applicant shall be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two separate local sureties.

- (ii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]