

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.412 OF 2021**

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|----------------------|---------------|
| Dipak Bhuku Pawar    | .. Applicant  |
| <b><i>Versus</i></b> |               |
| State of Maharashtra | .. Respondent |

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Mr.Rakesh Bhatkar, Advocate for the Applicant.

Mr.Y.M. Nakhwa, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : APRIL 7<sup>th</sup>, 2021.**

**P.C. :**

Applicant is arrested on 5<sup>th</sup> February, 2020, in connection with C.R.No.37 of 2019, registered with Kankavali Police Station, Sindhudurg, for the offence punishable under Section 363 of Indian Penal Code (“IPC”, for short), which was subsequently converted in Section 366(a), 376 (1) 376(3) of IPC and Sections 4 and 5(i)(ii) of Protection of Children from Sexual Offences Act (“POCSO Act”, for short).

2           First Information Report (“FIR”, for short) was registered initially under Section 363 of IPC alleging that the victim girl who is aged about 15 years was kidnapped. During the

course of investigation, it was found that accused nos.1 and 2 and applicant had kidnapped the victim and marriage was performed with co-accused. She gave birth to a female child on 23<sup>rd</sup> November, 2019. It is alleged that the accused nos.1 and 2 and the applicant inspite of knowing that the victim was a minor, kidnapped her and the marriage was performed with accused no.3.

3            During the course of investigation, statements of witnesses were recorded. On completing investigation, charge - sheet was filed.

4            Applicant is uncle of accused no.3. The statement of the victim was recorded under Section 164 of Cr.P.C. she has stated that her mother used to go for work. Her father was suffering from Tuberculosis. Her mother could not look-after her education. She was fed up with illness of her father. She was apprehending that she would get infected with Tuberculosis. She obtained the phone number of accused and informed him to take her along with him for performing marriage with suitable boy. Accused nos. 1 and 2 had treated her properly and on 3<sup>rd</sup> December, 2018, accused nos.1 and 2 and the applicant took her in a four-wheeler. She resided in the house of the applicant for

four days. Her marriage was performed with accused no.3 on 12<sup>th</sup> December, 2018. Thereafter, she continued to stay with accused no.3. Out of the wedlock, she gave birth to a daughter. She had not disclosed her correct age in hospital.

5           Considering the factual aspects, the applicant need not be detained further in custody. Investigation is already completed. Charge-sheet has been filed. The only allegation against the applicant is that he was accompanying accused nos.1 and 2, and, thereafter as per the wishes of the victim girl, her marriage was performed with accused no.3.

**:: ORDER ::**

- (i) Bail Application No.412 of 2021, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.37 of 2019, registered with Kankavali Police Station, Sindhudurg, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report the concerned police station once in three months on first Saturday of the

month between 11:00 a.m. to 01:00 p.m., till further orders;

(iv) Bail Application No.412 of 2021, stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**