

CRIMINAL BAIL APPLICATION NO.2808 OF 2021

Dadaji @ Pintu Sukdeo Bachhav

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Jayendra D. Khairnar for the Applicant

Mr. H. J. Dedhia, A.P.P for the Respondent No.1–State

Mr. Harsh Nishar for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.

TUESDAY, 28th SEPTEMBER 2021

P.C. :

1 At the outset, learned counsel for the applicant seeks leave to
amend to replace the name of the complainant's daughter with 'XYZ'
wherever it appears in the application. Leave granted. Amendment be
carried out forthwith.

2 Heard learned counsel for the parties.

3 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-349/2021 registered with the Malegaon Taluka Police Station, Taluka Malegaon, District Nashik, for the alleged offences punishable under Sections 420, 406, 363, 366(A) of the Indian Penal Code r/w Sections 16 and 17 of the Protection of Children from Sexual Offences Act and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act.

4 Perused the papers. The applicant is the complainant's brother. According to the complainant, the applicant got her daughter aged about 14 years 9 months, married to one Vaibhav Nikam. The complainant has alleged that her daughter was a minor and that she learnt about the said marriage from her relatives. According to the complainant, she had sent her daughter for the purpose of education to the applicant's house, however, the applicant got her daughter married to Vaibhav Nikam. Pursuant thereto, a complaint was lodged as alleged, for the aforesaid offence, as against the applicant.

5 A perusal of the 161 statement of the complainant's daughter aged 14 years 9 months, shows that the applicant had got her married to

one Vaibhav Nikam on 24th April 2021, however, she continued to stay with the applicant. She has specifically stated in her statement that although she was married to Vaibhav, no physical relations were established between them and that she continued to remain with her Uncle i.e. the applicant. Even in her 164 statement, the complainant's daughter has stated that the applicant had not forced or coerced her to marry Vaibhav. The said 164 statement was recorded on 24th May 2021. The applicant is in custody since 5th May 2021. Investigation is complete and charge-sheet is filed.

6 Considering the aforesaid, further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

7 The application is accordingly disposed of in the aforesaid terms.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.