

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1944 OF 2021**

Rohit Lala Bhosale & Anr. .. Applicants
Versus
The State of Maharashtra .. Respondent
...

Mr.Ranjeet M. Pawar for the Applicants.

Mr.S.H.Yadav, APP for the State.
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**CORAM: BHARATI DANGRE, J.
DATED : 26th AUGUST, 2021**

P.C:-

1. The two applicants, aged 20 and 22 years, are arraigned as accused in C.R.No.220 of 2021 registered with Wadgaon Nimbalkar Police Station, Pune Rural, Dist. Pune whereby the offences punishable under Section 306 read with Section 34 of the Indian Penal Code (for short, “**IPC**”) alongwith Sections 10 and 11 of the Child Marriage Prohibition Act, 2006 have been invoked.

2. The case of the prosecution is that one Kirti Ratna is the brother of the complainant and he had four daughters out of whom, Soumyata (the deceased) is aged 12 years. Her

marriage came to be solemnized on 09/06/2021 with applicant No.1 and on 12/06/2021, Kirti Ratna committed suicide. The complainant also allege that his brother was pressurised to perform the marriage of his minor daughter Soumyata with son of Lala @ Levhya Bhosale. It is alleged by the complainant that on account of the pressure to get his minor daughter married, his brother was despondent and morose and suffering from depression. He also informed him that accused persons are pressurising him for the said marriage. Against his wishes, the marriage of Soumyata was performed on 09/06/2021 and immediately within three days, he committed suicide.

3. Learned APP states that all other accused persons came to be arrested and applicant No.1 is the groom with whom the marriage of the deceased was solemnized. Learned APP has produced before the court the photographs of marriage, which are handed over by complainant which clearly create a picture of small girl in play house being married to the applicant No.1. Admittedly she is a minor.

The provisions of Sections 10 and 11 of the Child Marriage Prohibition Act, 2006 are invoked and though the maximum penalty prescribed is two years with fine, it is a non-

bailable offence.

4. In this progressive 21st century and in spite of the Child Marriage Restraint Act being in force since colonial time, when we are celebrating 75 years of independence, such type of marriage being solemnised is a matter of grave concern. In spite of enough publicity through the advertisement by the Government and when the focus of whole nation is on women empowerment, we are still unable to restrain such marriages. Apart from the accusations under Section 10 and 11 of the Child Marriage Prohibition Act, the applicants are also accused of Section 306 of IPC as the deceased has committed suicide within three days after the marriage. This definitely warrants custodial interrogation of the application.

The application, therefore, deserves a rejection and it is accordingly rejected.

(SMT. BHARATI DANGRE, J.)