

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

ANTICIPATORY BAIL APPLICATION NO.2178 OF 2019

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Balaji Madhavrao Tapsale

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Aniket U. Nikam i/b. Mr. Ashish Satpute for the Applicant.
Ms P.N. Dabholkar, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 2nd SEPTEMBER, 2021.

P.C.:-

This is an application under Section 438 of the Code of Criminal Procedure, 1973 filed by the aforesaid Applicant apprehending his arrest in Crime No.343 of 2019 registered with Bharti Vidyapith Police Station, Pune, for the offences punishable under Sections 323, 324, 376, 376(I), 377 and 420 r/w. 34 of the IPC, Sections 3, 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, Sections 9,10,11 and 12 of Prohibition of Child Marriage Act, 2007 and Sections 75 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. None present for Respondent No.2, though duly served through police.

3. The FIR was lodged by Dr. Yamini Adabe, who is working for welfare of children stating that the victim, who was a minor was forcibly married to the Applicant against her wishes.

4. Mr. Nikam, learned counsel for the Applicant states that the Applicant and Victim were married in the year 2014 and the victim no longer cohabits with the Applicant. Considering the nature of allegations, this Court (Coram : Sarang V. Kotwal, J.) vide order dated 04/10/2019 granted interim bail to the Applicant. It is also stated that the Applicant has co-operated with the investigation. Ms P.N. Dabholkar, learned APP states that the investigation is completed and charge sheet will be filed within a period of 15 days.

5. Considering the above facts and circumstances, so also the nature of accusations, in my considered view, this is a fit case to grant pre-arrest bail. Hence, the following order:-

- (i) In the event of arrest of the Applicant in C.R. No.343 of 2019 registered with Bharti Vidyapith Police Station, Pune, the Applicant is directed to be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (ii) The Applicant shall co-operate with the Investigating Agency and report to the Investigating Officer as and when required;
- (iii) The Applicant shall not interfere with the witnesses or tamper with the evidence in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)