

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) 1209 OF 2021

(Mohan s/o. Rajesh Tayde and anr..vs.. State, thr PSO, PS Balapur, District Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A.S. Londhe, counsel for applicants.
Mr. N.S. Rao, APP for non-applicant /State.
Ms. S.H. Bhatia, counsel (appointed) to assist the victim.

CORAM: ROHIT B. DEO, J.

DATE:15.12.2021.

Heard.

2. The applicants are arraigned as accused in Crime 344/2021, registered with Police Station Balapur, District Akola, for offences punishable under sections 376(2)(i) read with section 34 of Indian Penal Code, Sections 4,6 of Protection of Children From Sexual Offences Act and sections 9, 11 of Prohibition of Child Marriage Act.

3. The prosecution case in brief is that two minor victims, who are sisters, were married against their will to the applicants herein.

4. The minor victims are aged 17 and 15 respectively.

5. While the elder victim has stated in her 161 statement that no sexual relationship was established, the younger did say that on the night of the marriage i.e. on 30.5.2021 her husband subjected her to forcible sexual intercourse.

6. According to the learned counsel for the applicant Mr. A.S. Londhe, the medical papers do not show any sign of forcible sexual intercourse or for that matter of sexual intercourse.

7. The investigation is complete and the chargesheet is filed.

8. Nothing is brought to my notice to suggest that the applicants shall not be available to face the trial.

9. This application is allowed subject to the following conditions:

- (i) The applicants be released on bail in connection with Crime 344/2021, registered

with Police Station Balapur, District Akola, for offences punishable under sections 376(2)(i) read with section 34 of Indian Penal Code, Sections 4,6 of Protection of Children From Sexual Offences Act, on executing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand) each with one solvent surety of the like amount;

(ii) The applicants shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence;

(iii) The applicants shall not leave the country without the permission of the trial Court.

Judge

Belkhede