

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

938 BAIL APPLICATION NO.35 OF 2022

**DILIP RAJU RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Shri. Rajendra G. Hange, Advocate for the applicant
Shri. G. O. Wattamwar, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 21st January, 2022**

PER COURT :-

1. Heard.
2. Informant is the Assistant Police Inspector. It is alleged in the FIR that on What's App he received MLC. On perusal of the papers of MLC he noticed that victim aged 16 years 11 months was pregnant and prematurely delivered a baby which expired on the same day. On examination of papers, Medical Officer found the victim to be minor i.e. 16 years 11 months. During investigation it was further disclosed that parents of the victim got her married to the applicant during her minority. It is alleged that applicant was aware of the minority of the victim. This is how offence

came to light. Applicant came to be arrested on 11th December, 2021.

3. On the tenor of the FIR it appears that applicant married the victim during her minority. Charge-sheet is yet to be filed. Investigation papers show that investigation is almost complete. Applicant has no criminal antecedents. Since investigation is almost complete and the formality of filing of charge-sheet is remaining, I am inclined to release the applicant on bail. In this view of the matter, following order is passed.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 300 of 2021 under Sections 376(2)(n) of the Indian Penal Code, under Sections 4, 6 of POCSO Act and under Sections 9, 10, 11 of Prohibition of Child Marriage Act registered with Majalgaon Rural Police Station, Dist. Beed,

on condition that he shall not interfere in the investigation, shall not pressurize the witnesses and shall attend the concerned police station as and when called upon by the Investigating Officer to do so.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp