

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

18 ANTICIPATORY BAIL APPLICATION NO.656 OF 2022

TANWIR @ ARMAN S/O BABAJAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent-State : Ms. V. S. Choudhari.
Advocate for Respondent No.2/Complainant : Mr. Rodge
Krishna.

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CORAM : S. G. MEHARE, J.
DATE : 25.07.2022

PER COURT :-

1. It is an unique case, wherein the wife has no complaint against the husband, but the husband has been arraigned for sexual offence. The wife of the applicant was admitted to hospital for the pregnancy complication. The Medical Officer learnt that the wife of the applicant was a minor. Thereafter, the police were called. They recorded the statement of the victim. On her statement, the police have registered a crime against the applicant. The victim has no complaint at all against the applicant. Only on the statement of the victim, without any supporting evidence of her minority, the offence has been registered against the applicant.

2. Learned counsel appearing for respondent No.2 / wife has conceded that the husband and wife wanted to live peacefully. She has no complaint against the applicant at this juncture.

3. The prosecution wants the custody of the applicant, since she was a minor at the time of the marriage. However, the prosecution has nothing to satisfy this Court, the purpose for which the custodial interrogation of the applicant is essential.

4. Considering the facts as discussed above, this Court is of the view that this is a fit case for anticipatory bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted by the order dated 07.06.2022 is confirmed on the same terms and conditions of the bail and bail bonds.

(S. G. MEHARE, J.)

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vmk/-