

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

ANTICIPATORY BAIL APPLICATION NO.1540 OF 2022

**SHIVAJI BHAGWAN GURAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. Ganesh J. Kore, Advocate for Applicants
Mrs. P. V. Diggikar, APP for Respondents – State
Mr. S. S. Phatale, Advocate for Respondent No.3
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 30th NOVEMBER, 2022

PER COURT :

1. Applicants apprehend arrest in Crime No.0276/2022, registered with Yermala Police Station, Osmanabad, for offence punishable under Sections 376(2)(F)(N) and 376(3) of the Indian Penal Code, Sections 4, 6, 8 12 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

2. At the instance of respondent No.3, FIR is lodged wherein it is alleged that though she is minor her marriage was performed with Tukaram Shivaji Gurav, son of applicant Nos. 1 and 2. Applicant No.3 is mother of respondent No.3/informant. After marriage, respondent No.3 went to her in-laws' house for cohabitation. With her consent husband kept physical relations with her and she got pregnant and delivered a female child.

3. Heard learned advocate for applicants, learned Additional Public Prosecutor for respondents – State and learned advocate for respondent No.3. Perused the investigation papers.

4. Taking into consideration role attributed to applicants and the fact that investigation is almost complete, their custodial detention is not warranted in the facts of the present case.

5. Application is, therefore, allowed by confirming the interim order passed by this Court on 17/11/2022. Till filing of charge-sheet applicants shall attend concern police station as and when called by Investigating Officer and shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)