

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

ANTICIPATORY BAIL APPLICATION NO.1606 OF 2021

SHAIKH SUMER SHAIKH CHANDPASHA  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicants : Mr. Eknath P. Sawant h/f.  
Mr. Pramod N. Muley  
APP for Respondent No.1/State : Mr. K. S. Patil  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 05-08-2022**

**PER COURT :-**

Heard the learned counsel for the applicant and learned APP for respondent/State.

2. The facts of the case have been discussed in detail in the order dated 28.12.2021. The victim was admitted in the hospital for some gynecological complications. While treating her gynecological complications, it has been transpired the victim was 16 years old. Therefore, the police have registered offence against the applicant. The victim is married to the applicant with the consent of all. They were living happy life. The victim has also no complaint that her husband has done sex with her, without consent.

3. The learned APP for the respondent/State has opposed the application contending that the victim was a minor. Therefore, the offence is serious.

4. Even if the prosecution case is accepted as it is, at the most, the offence under Child Marriage Restraint Act would be attracted. Considering the facts of the case, this Court is of the view that the application deserves to be allowed. Hence, the following order :-

- i) The application is allowed.
- ii) The order granting interim protection to the applicant, dated 28.12.2021, is confirmed on the same terms and conditions of bail bonds and the condition to attend the police station on every Monday is relaxed.

**( S. G. MEHARE )**  
**JUDGE**