

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2780 OF 2021

Smt.Alkabai Valmik Mandawade ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.J.D. Khairnar for the Applicant.
Mr.S.R. Agarkar, APP for the Respondent –State.
Ms.Megha Bajoria for Respondent No.2.

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CORAM : C.V. BHADANG, J.

DATE : 17 JANUARY 2022

P.C.

. By this Application, the Applicant (Accused No.4) is seeking bail. The Applicant along with co-accused has been charge-sheeted for the offence punishable under Section 376(3), 376(2)(j), 376(2)(k) read with Section 34 of the Indian Penal Code, Section 4,6,8 and 12 of the Protection of Children From Sexual Offences Act, 2012 and Section 9,10 and 11 of the Prevention of Child Marriage Act, 2006.

2. The prosecution case as disclosed from the statement of the victim, who was at the relevant time, aged about 17 years and three months, is that her mother had got her married to one Kishor Bachao on 21 November 2017, after taking an amount of

Rs.1 Lakhs from him. The informant had obtained divorce from Kishor Bachao on the say of her mother. After that her mother got her married to Walmik Dnyeshwar Patil, resident of Ranjangaon, Taluka-Chalisgaon, District-Jalgaon after accepting an amount of Rs.1,20,000/-.

3. It is the material case insofar as the present Applicant is concerned that without obtaining divorce in the second marriage her mother got her married to co-accused Sandeep Patil, resident of Deshmukh Wadi, Pilkhod, Taluka-Chalisgaon, District-Jalgaon and the Applicant had accompanied Sandeep Patil and his father to the house of the first informant on 15 April 2020. It is also alleged that her mother obtained an amount of Rs.1,60,000/- from Sandeep Patil and his father.

4. The only allegation against the Applicant is that she had accompanied with Sandeep Patil and others on 15 April 2020. The learned counsel for the Applicant submitted that the Applicant has not accompanied Mr.Sandeep Patil and his father and in any case the Applicant has no complicity in the offence of getting the victim married to Sandeep Patil.

5. It is submitted that the investigation is complete and further detention of the Applicant is not necessary.

6. The learned Additional Public Prosecutor has submitted that the Applicant belongs to the same village as that of the victim and thus ought to be aware that the victim was married earlier, although she was a child. It is submitted that still the Applicant had accompanied Mr.Sandeep Patil and others on 25 April 2020 which shows her involvement in the offence.

7. I have considered the submissions made. *Prima facie* the only allegation against the Applicant is that she was present at the house of the victim on 25 April 2020. When the marriage of the victim was allegedly settled with Sandeep Patil. Only because the Applicant is resident of the same village the knowledge as claimed cannot be attributed. In any event the investigation is complete and the charge-sheet is filed. The Applicant was arrested on 13 April 2021, and is in jail since then.

8. Considering the nature of the allegations and the fact that the investigation is complete, I find that further detention of the Applicant, pending trial is, not necessary. Hence the following order.

ORDER

- (i) The applicant be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall not make any attempt, directly or indirectly to contact the victim or her family members or any other prosecution witnesses and shall not involve herself in any similar incident.

(iii) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(iv) The Criminal Application, is disposed of in the aforesaid terms.

C.V. BHADANG, J.