

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1738 OF 2020

Shivam Rajkumar Bharati .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Amol Mhatre for the applicant.
Ms.Ameeta Kuttikrishnan for respondent no.2.
Smt.Veera Shinde, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 8th JULY, 2022

P.C:-

1 In compliance of the statement made before this Court, on 4/7/2022, the applicant who is presently in Thane Central Prison, has sworn an affidavit on 7/7/2022 and the same is placed before him. The said affidavit is accepted and taken on record. In the said affidavit, the applicant has specifically undertaken as under :-

“3. I hereby undertake to marry Miss Uma Sarvidkumar Bharati within eight to ten weeks on my release on bail after making necessary arrangements for the said marriage and I further undertake to cohabit and live with her as my legally wedded wife without having

any grievance against her of having spent nearly two and half years in jail.

4. I further undertake that I shall live with her happily as husband and wife and shall not trouble her for any reason whatsoever.”

2 Pertinent to note that the victim girl was minor at the time when the incident took place and on the complaint being filed, the provisions of POCSO Act, was invoked. She has become major now. In any case, the applicant was also aged 22 years at the time when he was accused of the offence and since now, both of them are of marriageable age and the applicant has undertaken that he shall perform marriage with the complainant as per Hindu Rites and Customs immediately on his release from jail and shall also get the marriage registered, I am inclined to ensure him his liberty.

3 The mother of the victim girl, who is present in the Court has been identified by Ms.Kutty on the basis of the Aadhar Card which is found in her mobile phone and the mother state that she is ready to permit her daughter to be married to the applicant, but her insistence is that the marriage shall be registered.

4 Considering the concern expressed by the mother since the applicant is released on bail, within 7 days, he shall issue notice for registration of the marriage and shall perform the

marriage as per the rites and customs of the families within a period of 15 days. The procedural formalities as far as the registration of the marriage are concerned, shall be ensured on or before 31/8/2022. Hence, the following order :-

ORDER

- (a) The Applicant – Shivam Rajkumar Bharati in connection with C.R.No.I-253/2019 registered with Kongaon Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount. The applicant shall be released on provisional cash bail for a period of four weeks.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall attend the trial regularly unless and until exempted.
- (d) On being release on bail within 7 days, the shall issue notice for registration of the marriage and shall perform the marriage as per the rites and customs of the families within a period of 15 days.

The procedural formalities as far as the registration of the marriage are concerned, shall be ensured on or before 31/8/2022.

- 5 The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)