

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

ANTICIPATORY BAIL APPLICATION NO.271 OF 2023

1. Balaji s/o. Vishwanath Birajdar,
 2. Kausalya w/o. Balaji Birajdar
- ..Applicants

Vs.

The Superintendent of Police
and anr.

..Respondents

Mr.P.P.More, Advocate for applicants
Ms.R.P.Gaur, APP for respondent nos.1 and 2
Mr.S.P.Sonawane, Advocate for respondent no.3

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 16, 2023**

PER COURT :-

This is an application for anticipatory bail. The applicants claim to have apprehension of arrest in connection with Crime No.024 of 2023, registered with Nilanga Police Station, Dist. Latur, for the offences punishable under Sections 376, 376(N), 376(3) of Indian Penal Code; Section 3(A), 4(2), 5(j)(ii), 5(L), 5(P), 6 and 17 of Protection of Children from Sexual Offences Act and Sections 9 and 11 of the Prohibition of Child Marriage Act.

2. Heard. Perused the First Information Report (“FIR”, for short) and the related papers.
3. The applicants herein are parents of the bridegroom. It is the case of the prosecution that the son of the applicants married the victim, who was 14 years and 9 months old, at the relevant time and as such, they have abetted commission of the offence punishable under Section 376 of Indian Penal Code and Sections 9 and 11 of the Prohibition of Child Marriage Act.
4. Learned APP has strong reservations to grant pre-arrest bail to the applicants herein, whereas learned counsel for the victim has no objection.
5. It is informed that the bridegroom and the bride (victim) have been residing together as husband and wife. She has even conceived and is likely to deliver a baby in the near future.
6. Since the parents of the bridegroom are before the Court and the fact that both bridegroom and bride are leading a happy married life, this Court is inclined to allow the application, more so, when the victim has no objection.

7. Hence, the following order:-

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.024 of 2023, registered with Nilanga Police Station, Dist. Latur, for the offences punishable under Sections 376, 376(N), 376(3) of Indian Penal Code; Section 3(A), 4(2), 5(j)(ii), 5(L), 5(P), 6 and 17 of Protection of Children from Sexual Offences Act and Sections 9 and 11 of the Prohibition of Child Marriage Act, the applicant/s be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, on conditions that :-

(iii) The applicants shall attend the concerned Police Station as and when required by the Investigating Officer.

(ii) The applicants shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

kbp