

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.369 OF 2023

SANDIP VITTHAL SAKHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Abhijit S. More h/f. Mr. Madhav K. Jadhav
APP for Respondents No.1 and 2 : Mr. S. P. Sonpawale
Advocate for Respondent No.3 : Mr. P. S. Koshti (appointed)
...

CORAM : S. G. MEHARE, J.

DATE : 05-04-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondents No.1 and 2/State and the learned counsel for applicant No.3/victim.

2. It is a case of an unwilling marriage of a girl was 16 plus years old. The victim joined the family of the applicant. They were living as husband and wife. However, she did not like the applicant. Therefore, she fled away from his family. It seems that she was in advanced age. Be that as it may, she had consented to grant bail to him. The marriage was not denied and she was above 15 years at the time of her marriage. Most of the facts are admitted and the chargesheet has been filed. In the facts and circumstances of the case, it would be inappropriate to keep the applicant behind bar. Hence, the following order :-

- i) Application is allowed.
- ii) Applicant Sandip Vitthal Sakhale be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.410 of 2022, registered with Kalamnuri Police Station, District Hingoli, for the offence punishable under Sections 10, 11 of the Protection of Child Marriage Act, 2006 and Sections 4, 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act and Section 376 and 323 read with Section 34 of the Indian Penal Code, on the condition not to contact with the victim till the conclusion of the trial.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fee to the learned counsel appointed for respondent No.2/victim, as per the schedule.

(S. G. MEHARE)
JUDGE

rrd