

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1249 OF 2023

1. Shital Santosh Rathod

2. Vishal Anil Chavan

Applicants

Versus

State of Maharashtra & another

Respondents

Mr. V. S. Wakale, Advocate holding for Mr. S. G. Ghongade, Advocate for the applicants.

Mrs. G. L. Deshpande, APP for the State.

Mrs. S. T. Kazi, Advocate (appointed) for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 12th SEPTEMBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 077/2023, registered with Bamni Police Station, Tq. Jintur, Dist. Parbhani, for the offences punishable under Sections 376, 324, 504, 506 of Indian Penal Code, Sections 9, 10, 11 of Prohibition of Child Marriage Act and Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act.

2. First informant is the Prohibition Officer under the Prohibition of Child Marriage Act. He claims to have received knowledge about the child marriage. Immediate action was taken and the marriage sought to be performed on 14th March, 2023, was prohibited. It is further found that later on in the night on the same day, marriage of the child below 18 years was performed. It is also alleged that the child was subjected to physical and sexual assault by the person with whom the said marriage was performed.

3. Learned counsel for the applicants states that applicant No. 1 is the biological mother of the child and that in the First Information Report there are no allegations against the applicants herein that they are responsible for the said marriage.

4. Though learned APP opposed the application however, she brought to the notice of the Court that the child is being taken care of by applicant No. 1 only.

5. Perusal of the First Information Report does not show that at the time of said child marriage, applicants herein were present. In such circumstances, there is nothing to be recovered at

their instance and hence it is a fit case for grant of anticipatory bail.
In the result, application is allowed in terms of the interim order.
Fees of the appointed counsel is quantified at Rs.6,000/-.

(R. M. JOSHI)
Judge

dyb