

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1803 OF 2022

Meerabai Santosh Jadhav and Others	APPLICANTS
VERSUS	
The State of Maharashtra and Another	RESPONDENTS

.....

Mr. Pavan P. Uttarwar, Advocate for the applicants
Mr. A. A. Jagatkiar, APP for respondent - State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]
DATE : 31st JANUARY, 2023

ORDER :

1. The applicants were granted interim protection by order dated 4th January, 2023 and they were directed to attend concerned police station from 5th to 10th January, 2023 between 10.00 a.m. and 12.00 noon.
2. Learned advocate for the applicants on 18th January, 2023, made a statement that order of interim protection was remained to be communicated to the applicants and, therefore, at his request, the applicants were directed to attend the concerned police station everyday from 20th January, 2023 to 25th January, 2023 between 10.00 a.m. and 12.00 noon.
3. Learned Additional Public Prosecutor, on instructions, states that, applicant No. 4 Ananta Kondbarao Ghutte is arrested on 9th January, 2023 and was remanded to police custody, since

order granting interim protection was not communicated to the concerned either by the applicants or by the side of learned Additional Public Prosecutor. In that view of the matter, application of applicant No.4 Ananta Kondbarao Ghutte is disposed of as infructuous.

4. Applicants apprehend their arrest in Crime No. 266 of 2022 registered with Himayatnagar Police Station, District – Nanded for offence punishable under sections 376 (2) (j), 376 (2) (n) read with 34 of the Indian Penal Code and under sections 9, 10, 11 of the Prohibition of Child Marriage Act and section 4 of the Protection of Children From Sexual Offences Act.

5. Assistant Police Inspector, Himayatnagar Police Station, District – Nanded lodged FIR against 7 accused persons alleging that Ananta Kondbarao Ghutte lodged missing report on 21st November, 2022 stating that his marriage was performed with Sanika Santosh Jadhav at village Antarani, Taluka – Kuber (Telangana State) on 26th May, 2022. On 13th October, 2022, he, along with his parents went to agricultural land. Sanika was alone at home. When he returned back at 1.00 p.m., he found the door of the house locked and the key was lying there. When he entered the house, he did not find Sanika. Therefore, on 14th October, 2022, he lodged Missing Report No. 17 of 2022 with

Himayat Nagar Police Station. When the police searched Sanika, she was found at Wadala Police Station, Mumbai along with one Satish Pujekar resident of Antarani, Taluka – Kuber. Ananta, therefore, lodged FIR at Crime No. 261 of 2022 for offence punishable under section 363 of the Indian Penal Code, against Satish Pujekar. During the course of investigation of the said crime, it was revealed that Sanika was aged 16 years and 9 months. Therefore, Ananta had performed marriage with a minor girl and established physical relations with her. Hence, FIR is lodged against Ananta, his parents and close relatives.

6. Heard learned advocate for the applicant and the learned Additional Public Prosecutor for the State. Perused the investigation papers.

7. As noted *supra*, during the pendency of the present application, applicant No.4 Anata is arrested and is remanded to police custody.

8. Considering the allegations made against the applicants and the role attributed to them and since nothing is to be recovered from them, pre-trial custodial detention of the applicants is not warranted in the facts of the present case.

9. Hence, the application of applicants No.1, 2, 3, 5, 6 and 7 is allowed by confirming the interim order. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

drp/aba1803-22.doc