

ANTICIPATORY BAIL APPLICATION NO.1804 OF 2022

Laxman Rambhau Mane And Others ...Applicants

Versus

The State Of Maharashtra & Others ...Respondents

Mr. Rahul Dhase, Advocate for the applicants.

Mrs. R.P. Gour, APP for respondents No. 1 and 3.

Mr. S.A. Kulkarni, appointed advocate for respondent No. 2.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th FEBRUARY, 2023

ORDER :

1. The applicants are apprehending arrest in Crime No. 135 of 2020, registered with Yermala Police Station, Osmanabad, for offence punishable under sections 363, 366, 376(1)(2)(n), 376(3) of Indian Penal Code, under section 4, 8, 12, 21 of Protection of Children From Sexual Offences Act, under section 3(1)(w)(i)(ii), 3(2)(v), 3(1)(v)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 9, 10, 11 of Prevention of Child Marriage Act.

2. It is the prosecution case that applicants who are parents and close relatives of accused Shahadev Mane, have

played active role in abduction of minor victim and they have performed child marriage of victim with accused Shahadev.

3. Heard the learned advocate for applicants, learned Additional Public Prosecutor for State and learned advocate appointed for respondent No. 2. Perused the investigation papers.

4. Accused- Shahadev Mane, husband of victim is arrested and he is in custody. Taking into consideration allegations made against the applicants and role attributed to them and the fact that charge sheet is filed and case is numbered as Special Case (POCSO) No. 1 of 2023 and as nothing is to be recovered from the applicants, applicants deserve protection.

The applicants were granted interim protection and were directed to attend the concerned police station. They have attended the police station and have co-operated in the investigation. Pre-trial custodial detention of the applicants, in the facts of the present case is not necessary. In the result, application is allowed.

5. In the event of arrest of applicants in connection with Crime No. 135 of 2020, registered with Yermala Police Station, Osmanabad, for offence punishable under sections 363, 366, 376(1)(2)(n), 376(3) of Indian Penal Code, under section 4, 8, 12, 21 of Protection of Children From Sexual Offences Act, under section 3(1)(w)(i)(ii), 3(2)(v), 3(1)(v)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 9, 10, 11 of Prevention of Child Marriage Act, applicants shall be released on executing personal bond of Rs. 15,000/- each with one surety each in the like amount. Applicants shall not tamper the prosecution evidence.

6. Fees of learned advocate appointed to represent respondent No. 2 is quantified at Rs. 2500/-. High Court Legal Aid Services (Sub Committee) Aurangabad, shall pay the said fees, within four weeks from today.

[NITIN B. SURYAWANSHI, J.]