



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.461 OF 2023

Swati Raiendrarao Mahabudhe

Vs.

State of Maharashtra, Through Police Station Officer, Hinganghat, District Wardha
and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. W. Sambre, Advocate for applicant.

Mr. S. S. Hulke, APP for respondent No.1/State.

Mr. C. S. Bhute, Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/12/2023

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.748/2023 registered with Police Station, Hinganghat for the offence punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

2. The accusation against the present applicant is that on the basis of report lodged by PSI Homkant Gulabrao Mashakhatri on an allegation that he received the information that the marriage of underage girl is scheduled to be performed. Immediately, he visited the house of the applicant, wherein he marked the presence of the applicant. He further observed that one girl aged about 17 years 6 months was present there and her

marriage was likely to be performed with Ulhas Babarao Bhoyar.

3. Learned Counsel Mr. Sambre for the applicant submitted that only allegation against the present applicant is that she was present in the said marriage. Now, investigation is completed and charge sheet is filed. Custody of the applicant is not required and he prays for releasing the applicant on anticipatory bail.

4. The learned APP strongly opposed the application on the ground that the minor girl was put in the marriage ceremony. The allegation is of serious nature and prays for rejection of the application.

5. Having heard the learned Counsel Mr. Sambre, for the applicant and learned APP for the State. Perused the investigation papers, from which it reveals that only allegation against the applicant is that she was present in the said marriage. No other specific role is attributed to her. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest the applicant **Swati Raiendraro Mahabudhe** be released on anticipatory bail in connection with Crime No.748/2023, registered with Police Station, Hinganghat for the offence punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006, on executing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station as and when required for the investigation purpose.

(iv) The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.

(URMILA JOSHI-PHALKE, J.)