

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

CRIMINAL APPLICATION (APPP) NO.1128 OF 2023

IN

CRIMINAL APPLICATION (ABA) NO.461 OF 2023

Swati Raiendrarao Mahabudhe

Vs.

The State of Maharashtra, through Police Station Officer, Hinganghat, District Wardha

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. I. J. Damle, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/07/2023

1. The application is for seeking ad-interim 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.

2. The applicant is apprehending arrest at the hands of police as crime is registered 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 has visited the house of the applicant at that time applicant was not present. It is alleged that one girl aged about 17 years 6 months was present there and her marriage was likely to be performed with Ulhas

Babarao Bhoyar. In the said marriage ceremony, the present applicant was present. Thus, it is alleged that she has abetted the co-accused to perform the marriage with the child girl below 18 years of age. On the basis of report, police have registered the crime against the present applicant.

3. As per the contention of the present applicant that she was present in the said marriage as the sister of the Ulhas Bhoyar. No other role is attributed to her. Her physical custody is not required and hence, she be protected by granting ad-interim protection.

4. The said application is strongly opposed by the State on the ground that the minor girl was put in the marriage ceremony to perform her marriage. The allegation is of serious nature therefore, prayer for ad-interim protection deserves to be rejected.

5. Heard learned Counsel Mr. Sambre, for the applicant and learned APP for the State. Perused the FIR. Only allegation against the applicant is that she was present at the place of the marriage where the marriage is likely to be performed. No other specific role is attributed to her. Her physical custody is not required. Considering the allegation against her, she can be protected by granting ad-interim protection. In view of that I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest the applicant Swati Raiendrarao Mahabudhe is released on ad-interim 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.

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Stand over after three weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate