



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 82 OF 2024

Parvati Madhukar Lokhande

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. Tripathi Manish Purushottam

APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 1st FEBRUARY, 2024.

PER COURT :-

1. This is an application for grant of bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with crime No. 0407 of 2023 registered with Nanalpeth police station, Parbhani, District Parbhani, for the offences punishable under Sections 376, 376(2) (3), 327, 342 of Indian Penal Code (for short I.P.C.), under Sections 4 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prevention of Child Marriage Act. Her application below Exh.11 in Special Case POCSO No. 148 of 2023 with similar prayer came to be rejected by the learned Additional Sessions Judge, Parbhani, vide order dated 19.12.2023.

2. The applicant is the mother of victim girl, alleged to have performed the marriage of her daughter, who was 15 years old at the time of marriage. Therefore, report was lodged against the mother of the informant and her husband.

3. Learned advocate for the applicant submitted that the mother of the informant has roots in the society. She will not flee away from the trial. Learned advocate for the applicant lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application by pointing out that the applicant has performed the marriage of her daughter i.e. the informant, who was minor at the relevant time. It is lastly prayed to reject the application.

5. Perused the charge sheet. Considering the nature of the crime and the facts and circumstances of the case, the application deserves to be allowed, as the applicant has roots in the society and she will not flee away from the trial. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0407 of 2023 registered with Nanalpeth police station, Parbhani, District Parbhani, for the offences punishable under Sections 376, 376(2) (3), 327, 342 of I.P.C., under Sections 4 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prevention of Child Marriage Act be released on bail on furnishing personal bond of Rs.15,000/-

with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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