



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

908 ANTICIPATORY BAIL APPLICATION NO. 418 OF 2024

1. Tayyaba w/o Amir Sayyad.
2. Amir Rashid Sayyad. **... Applicants**

Versus

1. The State of Maharashtra.
2. The Superintendent of Police Parbhani,
Dist. Parbhani.
3. XYZ. **... Respondents**

...
Advocate for Applicant : Mr. Azizoddin R. Syed.
APP for Respondent Nos.1 & 2 / State : Mr. C. V. Bhadane.
Advocate for Respondent No.3 : Mr. Faj Khan Jarif Khan.

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th June, 2024.

P.C.:

. The applicants are apprehending arrest in connection with Crime No.22 of 2024, registered with Pimpaldari Police Station, District Parbhani, for the offences punishable under Sections 376(3) and 498-A read with 34 of the Indian Penal Code, under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act and under Sections 4 and 12 of the Protection of Children from Sexual Offences Act.

2 The applicants are father and mother of the victim girl. She lodged the complaint to police stating that her marriage was

performed on 11th June, 2020 with accused No.1. At the time of marriage, she was 14 years, 9 months and 22 days old. After the marriage, she had physical relationship with accused No.1 (her husband) and out of that relationship, she delivered a child. In complaint, she further stated that the applicants were aware about her age at the time of marriage. They knew that the complainant is minor, in spite of that, they performed her marriage with accused No.1. On her complaint, the police registered the offence against the husband, father-in-law, mother-in-law of the victim girl and against the applicants.

3 It is the contention of the learned counsel for applicants that investigation is completed and the charge-sheet has been filed. The applicants are real father and mother of the victim girl. The custodial interrogation of the applicants is not required. The victim girl has filed an affidavit stating that she has no objection if bail is granted to the applicants. Hence, it is requested to allow the application.

4 The learned counsel for respondent No.3 submits that respondent No.3 has no objection if the application is allowed.

5 The learned APP submits that at the time of marriage the victim girl was minor. The applicants were aware that the victim was

minor and in spite of that they performed her marriage with accused No.1. The custodial interrogation of the applicants is required. Hence, it is requested to reject the application.

6 I have heard all the learned counsel.

7 The allegations against the applicants are that they performed the marriage of the victim girl with accused No.1 and at the time of marriage the victim was minor. The applicants are real father and mother of the victim. The marriage is performed on 11th June, 2020. Charge-sheet has been filed. No custodial interrogation of the applicants is required. Hence, I pass the following order:-

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicants in connection with Crime No.22 of 2024, registered with Pimpaldari Police Station, District Parbhani, for the offences punishable under Sections 376(3) and 498-A read with 34 of the Indian Penal Code, under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act and under Sections 4 and 12 of the Protection of Children from Sexual Offences Act, they be released on bail on furnishing personal bond of Rs.15,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall attend the concerned police station

as and when required by the Investigating Officer.

- b) The applicants shall not indulge in the same type of offence.
- c) The applicants shall not pressurize the prosecution witnesses, in any manner.

[SHIVKUMAR DIGE, J.]

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