



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

951 ANTICIPATORY BAIL APPLICATION NO. 1718 OF 2024

1. Satybhamabai w/o Nathrao Shrirame
2. Nathrao s/o Madhavrao Shrirame
3. Brahmanand s/o Nathrao Shrirame

VERSUS

The State of Maharashtra and Another

.....

Mr. R. S. Patil, Advocate for Applicants
Mr. S. B. Jadhav, APP for the respondent/State
Ms. R. S. Kulkarni, Advocate for the informant (appointed)

.....

AND

ANTICIPATORY BAIL APPLICATION NO. 1493 OF 2024

1. Sakharam Piraji Devkate
2. Nilabai Sakharam Devkate

VERSUS

The State of Maharashtra and Another

.....

Mr. G. P. Shinde, Advocate for Applicants
Mr. S. B. Jadhav, APP for the respondent/State
Ms. R. S. Kulkarni, Advocate for the informant (appointed)

.....

AND

ANTICIPATORY BAIL APPLICATION NO. 1726 OF 2024

1. Ambadas Manoharrao Kesgire
2. Vishwanath Eknathrao Kesgire
3. Gajanan Dnyanoba Kesgire

VERSUS

The State of Maharashtra and Another

.....

Mr. R. S. Patil, Advocate for Applicants
Mr. S. B. Jadhav, APP for the respondent/State
Ms. R. S. Kulkarni, Advocate for the informant (appointed)

CORAM : R. M. JOSHI, J.

DATE : 18th DECEMBER, 2024

PER COURT :-

1. Applicants herein are parents, parents-in-law and maternal uncle of the informant. They apprehend arrest in connection with Crime No. 196/2024, registered with Himayatnagar Police Station, District Nanded for the offences punishable under Sections 376 r/w 34 of the Indian Penal Code, Sections 4 & 6 of the The Protection of Children from Sexual Offences Act (POCSO) and Sections 9, 10 and 11 of Prohibition of Child Marriage Act.

2. The first informant is the minor girl. She claims that she was forcibly married to the Shivaji Devkate against her will by her parents and relatives. There is also allegation that the Shivaji established physical relations with her against her will. Because of the same she went to back to her parental home on 16/06/2024. As her parents were forcing her to go to the Shivaji, she came to the police station on 01/08/2024 and lodged report.

3. Learned counsel for the applicants submits that this is not the case wherein the custodial interrogation of the applicants would be necessary. It is submitted that since the investigation is over and as the charge-sheet is filed, applications be allowed.

4. Learned APP and learned counsel for the informant opposed the applications by contending that the offences are serious in nature and as such the applicants are not entitled for pre arrest bail. Learned counsel for the informant submits that the informant fears the coercion and pressuring tactics at the hands of the applicants herein. She also apprehends that the applicants are likely to force her to join in the matrimonial home with co-accused. It is therefore submitted by her that the applicants be restrained from contacting informant in any manner whatsoever. Learned counsel for the applicants, on instructions, make statement that the applicants would not contact the informant directly or indirectly and in any manner whatsoever.

5. There is no dispute about the fact that the charge-sheet has been filed and investigation is over. Having regard to the nature of allegations against the present applicants, their custodial interrogation is not necessary. This Court, however, finds substance in the contention of the learned counsel for the informant/victim that the victim does not wish that her parents as well as the any of the present applicants contact her in any manner. Her statement under Section 164 of Cr.P.C. recorded before the Magistrate supports the same. Hence, applications are allowed in terms of interim orders 14/10/2024 and 30/08/2024 with the conditions that,

(a) They should not tamper with the prosecution witnesses.

(b) They are strictly prohibited from contacting the informant directly, indirectly, personally, via phone or even on social medial i.e. in any manner whatsoever. In case, if it is found that any such contact has been established the same shall become ground for cancellation bail forthwith.

6. Fees of the appointed counsel is quantified Rs. 30,000/- (for four applications) and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

7. Learned APP to communicate this order to the concerned Police Station.

(R. M. JOSHI, J.)

ssp