

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1090 OF 2024

1. Ashwini Ram Anantkavlas,
2. Ram Sampat Anantkavlas,
3. Malan Balu Shinde @ Mali, &
4. Balu Pandhari Shinde @ Mali Applicants
Versus
The State of Maharashtra & Anr. Respondents

Mr. Atul Patil, Advocate for the Applicants.
Mr. Avinash A. Naik, APP for the Respondent-State.
Mr. Tanmay T. Jadhav, Advocate for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.126/2023 registered at Barshi Taluka Police Station, District-Solapur under Sections 376, 376(2)(f), 376(2)(j), 376(2)(n) read with 34 of IPC, under Section 4, 8, 12, 17 of Protection of Children From Sexual Offences Act, 2012 (for short, 'POCSO Act') and under

Sections 9, 10 and 11 of the Child Marriage Restraint Act, 1929.

2. Heard Mr. Atul Patil, learned counsel for the Applicants, Mr. Avinash Naik, learned APP for the Respondent-State and Mr. Tanmay T. Jadhav, learned counsel for the Respondent No.2.

3. The allegations in the FIR are that the victim in this case was seven months pregnant and was admitted in a hospital for delivery. There were complications and the victim had to be shifted to the ICU. The doctors suspected that she was a minor and, therefore, this offence was registered and investigated. The date of birth of the victim was 10.1.2006. The Applicant Nos.1 and 2 are parents of the victim and the other two Applicants are the parents of the victim's husband.

4. Learned counsel for the Applicants submitted that custodial interrogation in this case is not necessary. The parties are related *interse*. The victim's statement itself shows that she had married the son of the Applicant Nos.3 & 4 out of

her own will and none of the Applicants had taken any part in that marriage.

5. On the last occasion i.e. on 22.4.2024, I had issued notice to the Respondent No.2. She has engaged an Advocate. Her counsel has no objection for grant of anticipatory bail to the Applicants. He submitted that the child of the Respondent No.2 is one year old as of today. The husband was arrested. He submitted that arrest of the Applicants is not necessary as it will disturb her matrimonial life unnecessarily.

6. I have considered these submissions. The stand of the victim in this case is more important. She had stated that none of the Applicants had taken any part in the marriage. Her statement to that effect is recorded. In this view of the matter, custodial interrogation of the Applicants is not necessary. They can be protected under Section 438 of Cr.PC..

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.126/2023 registered at Barshi Taluka Police Station, District-Solapur, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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