

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

ANTICIPATORY BAIL APPLICATION NO. 3126 OF 2024

Sachin Basaveshwar Mhamane

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Aniket Nikam i/b Mr. Somnath Thengal for Applicant.
- Mr. Tanveer G. Khan, APP for respondent No.1. - State.
- Mr. Shivaji Jadhav, PSI, Satara Police Station.

CORAM : MANISH PITALE, J.

DATE : 25th NOVEMBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

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P. C. :

1. Heard, Mr. Nikam, learned counsel for the applicant and Mr. Khan, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0453 of 2024, dated 17th May, 2024, registered at Police Station Satara City, District Satara, for offences under Sections 10, 11 and 9 of the Prohibition of Child Marriage Act, 2006 and Sections 504 and 506 of the Indian Penal Code, 1860 (IPC). Subsequently, offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) has also been added and the name of the applicant has been shown as an accused, who is absconding.

3. The informant in the present case is the father of the victim i.e.

the minor girl, whose marriage was solemnized with the applicant, thereby attracting the said offences.

4. The learned counsel for the applicant submits that two of the co-accused persons have been granted anticipatory bail by the Sessions Court itself, specifically observing that *prima facie* the material revealed that both parties mutually solemnized marriage of the victim child. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP relied upon the FIR as well as the statement of the victim recorded under Section 164 of the Cr.P.C. He submits that the aforesaid material clearly shows that all the ingredients of the serious offences registered in the present case are made out against the applicant, as he is the person who married the minor victim girl.

6. Being a case where offences under the POCSO Act are also registered, notice will have to be issued to the victim, who is added as respondent No.2. But, in the meanwhile, the learned counsel for the applicant is pressing for interim relief.

7. This Court has perused the material on record. Although the applicant is not specifically shown as an accused in the FIR, his name is stated as the person with whom the minor victim girl was married. The material on

record does indicate that the two families came together and arranged for the marriage of the minor victim girl with the applicant, who is stated to be her cousin maternal uncle. Although the ingredients of the offences in the present case may be demonstrable by the material on record, so long as the applicant is ready to appear before the Investigating Officer and cooperate with the investigation, interim relief can be granted till the victim is heard.

8. In view of the above, issue notice to respondent No.2, returnable on **06th January, 2025, "High on Board."**

9. In the meanwhile, there shall be interim order in the following terms:

(A) Till the next date, in the event the applicant is arrested in connection with FIR No.0453 of 2024, dated 17th May, 2024, registered at Police Station Satara City, District Satara, he shall be released on bail on furnishing PR Bond of ₹ 25,000/-with one or two sureties in the like amount, to the satisfaction of the Trial Court.

(B) The applicant shall remain present before the Investigating Officer on 27th November, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.

(C) The applicant shall co-operate with the investigation, including presenting himself for medical examination, if required.

(D) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

11. List for further consideration on 06^h January, 2025, “High on Board.”

(MANISH PITALE, J.)