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

**CRIMINAL BAIL APPLICATION NO. 1206 OF 2023**

Sagar Jairam Datkhile ... Applicant

Versus

The State of Maharashtra and another ... Respondents

**WITH**

**CRIMINAL BAIL APPLICATION NO. 2380 OF 2023**

Chandrakala S. Makhar ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Rohan Hogale alongwith Mr. Swaroop Jagtap for the Applicant in BA-1206-2023.

Ms. Lavinha Rosario alongwith Mr. Shantanu Shimpi and Mr. Sanket Kadam instructed by Mr. Akshay Deshmukh for the Applicant in BA-2380-2023.

Ms. M.M. Deshmukh, APP for the State.

Ms. Meghna Govlani alongwith Mr. Chetan Alai for Respondent No.2.

PI Sangita Kale, Chandannagar Police Station, present.

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**CORAM : N.R. BORKAR, J.**

**DATED : 5 JANUARY 2024**

**P.C. :-**

. The applicants in both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail, are accused in one and the same crime. Both these

applications are therefore being disposed of by this common order.

2. The applicants came to be arrested in Crime No. 401 of 2022 registered at Chandan Nagar Police Station, for the offences punishable under Sections 376, 506 of Indian Penal Code, Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006, Sections 3(a), 4(2), 5(b)(4), 5(n), 16, 17 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegations against the applicant – Chandrakala (applicant in Criminal Bail Application No.2830 of 2023) who is the mother of the victim is that she compelled the victim to marry applicant – Sagar (applicant in Criminal Bail Application No.1206 of 2023), though on the date of marriage which took place on 6 November 2022, the victim was minor. There are allegations of forcible sexual intercourse against the applicant – Sagar after the alleged marriage.

4. I have heard the learned Counsel for the applicants and the learned APP for the State.

5. It is submitted on behalf of the applicants that at the relevant time applicant – Sagar was serving in the Army. It is submitted that the victim had love affair with his classmate and therefore she had lodged the false report.

6. On the other hand, the learned APP submits that considering the nature of allegations, the applicants may not be released on bail.

7. Admittedly, the applicants are in jail for more than one

year. The trial is still at the stage of framing of charge. I have perused the statement of the victim. Prima facie, there appears to be element of exaggeration in the allegations made by the victim. Considering the overall facts and circumstances, I am inclined to release the applicants on bail. Hence, the following order is passed:

- (i) Bail Applications are allowed.
- (ii) Applicants be released on bail in Crime No. 401 of 2022 registered at Chandan Nagar Police Station, for the offences punishable under Sections 376, 506 of Indian Penal Code, Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006, Sections 3(a), 4(2), 5(b)(4), 5(n), 16, 17 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- (iii) The applicants shall not make any attempt to contact the victim either directly or indirectly.

**( N.R. BORKAR, J. )**