

Sayali Upasani

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

CRIMINAL APPLICATION NO.- 156 OF 2023

XYZ

... Applicant

Vs.

State of Maharashtra and Others

...Respondents

Mr. Nizamuddin Khan with Sheeba Khan, for Applicant.

Mr. Bapu Vitthalrao Holambe Patil, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 4th MARCH, 2024

PC:-

- 1) Heard the learned Counsel for the applicant.
- 2) This is an application for cancellation of bail granted by the learned Special Judge to the respondent No. 2, who is the husband of the applicant.
- 3) Prima facie, it appears that the allegations were made primarily against the brother-in-law of the applicant for having subjected the applicant to sexual exploitation.

- 4) The role attributed to the respondent No. 2 was that of having condoned the said act on the part of the brother of the respondent No 2.
- 5) The learned Counsel for the applicant submitted that the learned Special Judge did not appreciate the aspect of the allegations of the sexual assault while the applicant was a minor. It was submitted that the marriage of the applicant was solemnised with respondent No. 2, while she was still a minor.
- 6) The learned Special Judge, in the backdrop of the nature of the accusation against the Respondent No. 2 and the fact that the applicant and the respondent No. 2 have a three-year-old daughter, considered it expedient to exercise the discretion to release respondent No. 2 on bail.
- 7) It appears that the genesis of the alleged offences is in marital discord between the parties.
- 8) Thus, at this length of time, there is no propriety in entertaining the application for cancellation of bail.
- 9) The application stands rejected.

[N. J. JAMADAR, J.]