

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

CRIMINAL BAIL APPLICATION NO. 2331 OF 2024

Mahadev Barikrao Ughade

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Jaydeep D. Mane, Advocate for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

None for Respondent No. 2.

Mrs. Laxmi Tukaram Mane and Mr. Tukaram Mane, Parents of Respondent No. 2 are present in Court.

CORAM:- ANIL S. KILOR, J.

DATED:- 15th OCTOBER, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 836 of 2023 registered with Pandharpur Police Station, Solapur for the offence punishable under Section 376 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offence Act, 2012.

3) Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that the marriage was fixed between the applicant and the victim and under the said pretext the applicant repeatedly established physical relations with the victim. The victim is a minor and as such the present offence came to be registered. However, the fact remains that the marriage was fixed between the applicant and the victim and it was fixed by their family.

4) Today the mother and father of the victim are personally present in Court and they have also stated the said fact as regards their marriage.

5) Thus, considering the nature of the allegations and the above-referenced factual aspects coupled with the fact that the applicant is in jail from last one year, I am of the opinion that since the charge-sheet has been filed, further custody of the applicant is not necessary. Accordingly, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 836 of 2023 registered with Pandharpur Police Station, Solapur for the offence punishable under Section 376 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offence Act, 2012, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii. The applicant shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]