

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

ANTICIPATORY BAIL APPLICATION NO. 2225 OF 2024

Pooja Tanaji Lavate	...	Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Anant Vadgaonkar for the Applicant.
Mr. R. M. Pethe, APP for Respondent No.1-State.
Mr. Nitin P. Nikam, Police Naik, Mhaswad Police Station.

**CORAM: MANISH PITALE, J.
DATE : 27th AUGUST 2024**

P.C. :

1. The applicant apprehends arrest in connection with FIR No. 0188 of 2024 dated 18th June 2024 registered at Mhaswad Police Station, Dist. Satara, for offences under Section 376 read with 34 of the Indian Penal Code, 1860 (IPC), Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 4 and 5 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. Since, offences under the POCSO Act are also registered in the present case, issue notice to respondent No.2 (informant-victim), returnable on **1st October 2024 (High on Board)**.

3. The respondent No.2 shall be served through the Investigating Officer, for which purpose the applicant shall provide an additional set of papers to the Investigating Officer.

4. The learned counsel for the applicant is pressing for interim relief pending appearance of respondent No.2 in the present case. The learned APP is present and ready to argue the matter.

5. The learned counsel for the applicant submits that in the first place, even if the allegations are taken into consideration, there is no question of involvement of the applicant in the offences under POCSO Act. It is submitted that the only act attributed to the applicant is that the first marriage of the minor informant-victim was solemnized with the brother of the applicant, at a temple near her residence. Other than the aforesaid allegation, there is nothing in the statement of the informant and on this basis, interim relief is pressed.

6. The learned APP submits that the only overt act as can be gathered from the statement of the informant is the aforesaid.

7. This Court has perused the statement of the informant, leading to registration of the FIR. It is indeed found that the only specific allegation against the applicant is that her brother solemnized marriage with the informant-victim, who was minor and the marriage was solemnized at a temple near the house of the applicant. Considering the aforesaid limited role attributed to the applicant and considering the fact that the applicant is a woman, who is ready to cooperate with the investigation, this Court is of the opinion that interim relief deserves to be granted.

8. In view of the above, the following interim order is passed :
- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0188 of 2024 dated 18th June 2024 registered at Mhaswad Police Station, Dist. Satara, she shall be released on bail on furnishing PR Bond of Rs.15,000/- and one or two sureties in the like amount.
 - (b) The applicant shall cooperate with the investigation and shall remain present before the Investigating Officer, as and when called by the Investigating Officer.
 - (c) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses and other persons concerned with the case.
9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.
10. Considering the fact that the informant is presently residing in a care centre in Pune, the High Court Legal Services Committee shall appoint an advocate from its panel to represent the respondent No.2.
11. List this application for further consideration on 1st October 2024 (High on Board).

MANISH PITALE, J.