

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2488 OF 2024

Shanta Kalu Gangurde ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2491 OF 2024

Kalu Nana Gangurde ...Applicant

Versus

State of Maharashtra & Anr. ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2627 OF 2024

Aasha @ Shaila Ashok Gaikwad ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2631 OF 2024

Ashok Haribhau Gaikwad ...Applicant

Versus

State of Maharashtra & Anr. ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2775 OF 2024

Jayshree Jeevan Madhe ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

- Mr. Anandmaya Dhorde, for Applicants

SHRIKANT
SHRINIVAS
MALANI

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SHRIKANT
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Date: 2024.11.30
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- Mr. Sagar R. Agarkar, APP for Respondent – State.
- Mr. B.B. Norte, PSI, Chandwad Police Station

CORAM : MANISH PITALE, J.

DATE : 29th NOVEMBER, 2024.

P. C. :

1. In these five applications seeking anticipatory bail, on different dates, this Court granted interim relief in favour of the applicants.

2. In the order dated 18th September, 2024, passed in Anticipatory Bail Application Nos.2488 of 2024 and 2491 of 2024, this Court had recorded the following reasons for granting interim relief.

“4. This Court is inclined to grant interim relief to the applicants, while issuing notice to the informant, for the following reasons:-

- a. Considering the statement made by the informant leading to registration of the FIR, offences under the POCSO Act prima facie would not be relevant for considering the present applications filed by the applicants;*
- b. The allegations against the applicants are relevant for offences under the provisions of the Prohibition of Child Marriage Act, 2006, under which all the offences are non-bailable. The allegation against the applicants is that they were present when marriage was solemnized between the informant, who allegedly was only 13 years old and grandson of the applicants. The statement of the informant then proceeds to give details about the manner in which she was forced to establish physical relationship*

with the accused with whom she was forcibly married;

- c. *Both the applicants are senior citizens, aged about 75 years and they are ready to co-operate with the investigation. The statement of the informant prima facie does not indicate the involvement of the applicants in the offences registered under the IPC and POCSO Act;”*

3. In terms of the direction issued by this Court to appear before the Investigating Officer and to cooperate with the investigation, the applicants did comply with the said directions and as on today the investigation has been completed and charge-sheet is filed.

4. In view of the above, this Court is inclined to allow the applications.

5. Accordingly, the interim orders passed in favour of the applicants are made absolute and the applications are allowed.

6. It is to be noted that in these applications as per the requirement of law, respondent No.2 – victim was served. There was appearance on behalf of respondent No.2 on earlier dates of hearing. Since the victim was duly served in these applications, the applications have been finally disposed of.

(MANISH PITALE, J.)