

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2627 OF 2024

Aasha @ Shaila Ashok Gaikwad ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

AND

ANTICIPATORY BAIL APPLICATION NO. 2631 OF 2024

Ashok Haribhau Gaikwad ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

- Mr. Anandmaya Dhorde, for Applicant.
- Mr. Tanveer G. Khan, APP for Respondent – State in ABA/2627/2024.
- Ms. Rutuja A. Ambekar, APP for Respondent – State in ABA/2631/2024.

CORAM: MANISH PITALE, J.

DATE : 27th SEPTEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and and learned APPs for the respondent – State.

2. The applicants are apprehending arrest in connection with First Information Report No.0216 of 2024, dated 26.05.2024, registered at Police Station Chandwad, District Nashik, for offences under Sections 323, 376(2) (n), 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC); under Sections 4, 5(J)(ii), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

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3. At the outset, the learned counsel for the applicants brings to notice of this Court that two co-accused persons have been already granted interim relief and their anticipatory bail applications are coming up for consideration on 23.10.2024.

4. The informant in the present case is a minor girl, who has alleged that when she was 13 years old, in the year 2019, her mother took her to Manmad and got her married off to the son of the applicants herein. In that context, the aforementioned offences have been registered.

5. The co-accused persons, who have been granted interim relief, are the grandparents of the co-accused husband of the applicant. The allegation against the said applicants was that they were present during the course of the marriage. Even against the present applicants the principal allegation appears to be that they were present when marriage was conducted in the year 2019. The allegations regarding sexual intercourse are obviously not relatable to the applicants before this Court. They are ready to cooperate with the investigation

6. Hence, despite the fact that the learned APPs have opposed the grant of interim relief, this Court is inclined to grant such interim relief during the pendency of these applications, so long as the applicants are ready to cooperate with the investigation.

7. Since offences under the provisions of the POCSO Act are indeed registered in the present case, formal notice will have to be issued to the respondent No.2 in both these applications. Hence, issue notice to respondent No.2, in both these applications, returnable on 23.10.2024.
8. In the meanwhile, the following interim order is passed :-
- (A) Till the next date of listing, in the event, the applicants viz. Aasha @ Shaila Ashok Gaikwad and Ashok Haribhau Gaikwad are arrested in connection with FIR No.0216 of 2024 dated 26.05.20224, registered at Police Station Chandwad, District Nashik, they shall be released on bail on furnishing PR Bond of ₹ 10,000/- each with one or two sureties in the like amount;
 - (B) The applicants shall cooperate with the investigation, including remaining present before the Investigating Officer, as and when called;
 - (C) The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.
9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
10. List on **23.10.2024**, to be included in the “Supplementary List.”

(MANISH PITALE, J.)