



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO. 626 OF 2024

HASAN APRUPHKHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Jogdand Patil Vijay B.

APP for Respondent/State: Mr. B. B. Bhise

Advocate for Responden No.2 :

Ms. Sayali Tekale (*Appointed*)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 24.01.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for respondent no.2.

2] The applicant has approached this Court apprehending arrest in connection with Crime No.22/2024, registered with Pimpaldari Police Station, Taluka Gangakhed, District Parbhani, for the offences punishable under Sections 376(3), 498-A r/w. 34 of the Indian Penal code & under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006 & under Sections 4, 12 of the POCSO Act.

3] The learned counsel for the applicant produced order dated 11.06.2024 in which parents of the informant has been granted anticipatory bail by this court. The present applicant is the father-in-law of the informant. The offence is registered under the Prohibition of Child Marriage Act, 2006 & the POCSO Act. The victim's parents are the persons, who are aware of the age of their own child and there are already granted anticipatory bail by this court.

4] Since, the informant's parents are already granted anticipatory bail by this court and, since, the allegations against the applicant are primarily in relation to the Prohibition of Child Marriage Act, 2006, the applicant's application for anticipatory bail on the ground of parity needs to be allowed.

5] In view of the above, the interim protection granted by order dated 30.04.2024 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] Ms. Sayali Tekale, learned counsel appointed by this court to represent the cause of respondent no.2 shall be paid fees of Rs.10,000/- by the High Court Legal Services Sub-committee, Aurangabad.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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