



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 1367 OF 2024

BILAL TAUFIQ SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents 1 & 2 : Mr. R.S. Wani
Advocate for Respondent 3 : Mr. A.S. Tilve

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 13.02.2025

PER COURT :

1. Heard the learned counsel for the applicants, the learned APP for the respondents-State and Mr. A.S. Tilve, learned advocate assisting APP.
2. The applicants are apprehending arrest in connection with Crime No. 325/2024 dated 22.7.2024 registered with Satara Police Station, District Aurangabad for the offences punishable under sections 376, 354-D, 323, 504, 506 r/w. 34 of I.P.C., under sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 and under sections 9, 10 and 11 of the Prohibition of Child Marriage Act.
3. The allegations against the applicant No. 1 is that he got married with victim, who was 16 years and 7 months old at the relevant time. After marriage, the victim became pregnant and her pregnancy was terminated in February 2024. The allegation against the applicant No. 2, father of the applicant No. 1, is that he had forceful sexual relations with the victim.
4. The learned counsel for the applicants submits that the case arises out of matrimonial dispute and that the applicants were given understanding at the time of marriage that the victim was of major age.
5. Per contra, the learned counsel assisting APP submits that there was

enough evidence on record in terms of AADHAR CARD to show that the victim was not major at the time of offence and as such, the offence is made out.

6. This Court by order dated 12.8.2024 has granted interim protection to the applicants. From perusal of the record, it appears that the investigation is completed, chargesheet in the matter is filed and undisputedly, there is marriage performed between the parties and as such, prima facie, their relations were consensual. Considering the same and in view of the interim protection granted by this Court vide order dated 12.8.2024, I hold that the interim protection can be confirmed.

7. In view of the above, the application is allowed and the interim protection granted on 12.8.2024 is confirmed on the following terms :

i] The applicants shall attend the police station as and when required.

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

8. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

9. 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.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]