



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 ANTICIPATORY BAIL APPLICATION NO. 2173 OF 2024

1. Narhari Maroti Kagne,
2. Venkati Narhari Kagne,
3. Sanjay Narhari Kagne. ...Applicants

Versus

The State of Maharashtra,
Through Investigation Officer,
in Crime No.386 of 2024,
Loha Police Station, Tq. Loha,
District Nanded. ...Respondent

...
Mr. Dhananjay Mane h/f. Mr. Nagesh G. Talekar, Advocate for
Applicants.

Mr. G. O. Wattamwar, APP for Respondent.

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10.03.2025

P.C.:-

1] Heard learned counsel for the Applicants and learned APP for
the Respondent-State.

2] The facts of the case are that the Applicants are that the
family members of the deceased-girl whose birth date is 06.05.2010.
She was married off by her family members on 12.05.2023 at the age
of 13. She committed suicide in her matrimonial house on 05.11.2024
and, thereafter, her father registered an accidental death on
07.11.2024. In the course of the enquiry into the accidental death, it

was noticed that the minor has committed suicide. In the Zilla Parishad School record, it was noticed that the birth date of child is 06.05.2010. The birth date was not provided by the family members and it is only the course of enquiry, it was revealed that the girl was married at the age of 13 and has committed suicide at the age of 14.

3] Accordingly, the FIR came to be registered against the family members of the deceased for the above offence. The Applicant No.1 is the grand-father of the deceased-girl and Applicant Nos.2 and 3 are uncles of the deceased-girl.

4] The learned counsel appearing for the Applicants submits that Applicant Nos.1, 2 and 3 does not reside with the maternal family of the deceased-girl. It is also submitted that although names of the Applicants were shown in the invitation card they are not responsible for the marriage of the victim deceased. It is also stated that the Applicant No.2 works as CRPF and on the relevant date, he was not present for the marriage. The learned counsel further submits that at the highest, it would be said that Applicant Nos.1 and 3 could be charged only under the provisions of Child Marriage Restraint Act and for no other offence.

5] Per contra, learned APP has point out the invitation card in which names of all the Applicants are shown. He submits that the photographs of the marriage in the enquiry are not submitted, so also,

the birth certificate was also not submitted. He submits that there is suppression of facts that at the time of marriage, the deceased child was a minor. He submits that no case is made out for grant of anticipatory bail.

6] The Applicant No.2 has produced an undated letter through registered post dated 17.01.2025 requesting for certificate of attendance on the date of marriage of the minor to the Company Commander, F/49 BTLN, CRPF, Karannagar, Srinagar, claiming that the Applicant No.2-Venkati Kagne was on duty in Srinagar on 12.05.2023 and that a certificate be issued to that effect. However, he submits that no such certificate was issued by the department to Applicant No.2. He also submits that he was on duty on 12.05.2023. The copy of letter of the relevant enquiry of Applicant No.2-CRPF personnel is placed on record. The application is made to the authorities apparently on 17.01.2025 and the same is after filing of anticipatory bail.

7] Considering that the name of all the Applicants are in the invitation card, so also, considering that there is suppression of facts that the Applicants have not providing the photographs of the marriage and also have proposed marriage by providing fake Aadhar Card. Considering the gravity of the offence, this matter would require proper investigation. Therefore, anticipatory bail cannot be granted to the Applicants.

8] The learned counsel for the Applicants submits that the birth extract of the Zilla Parishad School, so also, the marriage invitation card is not part of the charge-sheet to which the learned APP submits that the present Applicants are absconding accused and the investigation of the present Applicants are still awaited.

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] In view of above, the application is dismissed.

(ARUN R. PEDNEKER)
JUDGE

Tauseef