

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2430 OF 2025

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Sachin Appa Atakale ...Applicant
Versus

The State Of Maharashtra And Anr. ...Respondents

Mr. Jaydeep D. Mane, for the Applicant.
Ms. Priyanka S. Rane, APP, for the Respondent – State.
Ms. Shruti Jadhav, Advocate for Respondent No.2 (Through Legal Aid).

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2025.

P.C.

1. Heard learned counsel for the applicant and learned APP for the respondent State.
2. Ms. Shruti Jadhav is appointed through Legal Aid Committee to represent the respondent no. 2.
3. By this application, applicant is apprehending arrest in Crime No.266 of 2025 registered with Pandharpur Gramin Police Station, Dist. Solapur for the offences punishable under Sections 64, 64(2)(m) of the Bhartiya Nyaya Sanhita and Sections 4 & 6 of the Protection of

Children From Sexual Offences Act, 2012 and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

4. It is prosecution's case that the applicant had performed the marriage with the victim, who was 17 years and 9 months old at the time marriage and after marriage, he sexually assaulted her. Due to said sexual assault, the victim got pregnant.

5. It is contention of learned counsel for applicant that when performing marriage with the victim, the applicant was not aware about her age. He kept physical relations with her after marriage. While on interim relief, the applicant has co-operated in the investigation. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

6. It is contention of learned APP along with respondent no. 2 that the applicant was aware about the age of the victim. He performed the marriage with the victim, who was minor and sexually assaulted her. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

7. I have heard both the learned counsels, perused the FIR and documents placed on record.

8. Admittedly, at the time of marriage, the victim was 17 years and 9 months old. Whether the applicant was aware about the age of the victim or not is a part of evidence. While on interim relief, the applicant has co-operated in the investigation. Investigation is almost completed. Considering these facts, I pass the following order :

ORDER

- (i) Application is allowed;
 - (ii) Interim relief granted to the applicant by this Court vide order dated 11th November, 2025 is made absolute.
 - (iii) The applicant shall attend the concerned police station as and when required.
9. As Ms. Shruti Jadhav is appointed through Legal Aid Committee to represent respondent no. 2, professional fees of Rs.10,000/- be paid to her.
10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)