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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2100 OF 2025

Namdevb Popat Kambale

.....Applicant

Vs.

The State of Maharashtra
and anr

.....Respondents

Mr. Piyush Toshniwal a/w Mr. Akash M. Murudkar i/b Mr.
Ashish Pawar for the applicant

Mr. Shubham Sane for respondent no. 2

Mr. P. P. Devkar APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th SEPTEMBER 2025

P.C.:

1. Applicant is apprehending his arrest in C.R. No. 82/2025 registered with Pandharpur Gramin Police Station, District: Solapur for offences punishable under Sections 363, 376, 376-E of Indian Penal Code and under Sections, 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is the prosecution's case that parents of the victim forcibly performed marriage of the victim who was minor with

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the applicant on 29th February 2024. Thereafter, there was physical relation between the applicant and victim.

3. It is the contention of learned counsel for applicant that victim had love affair with the co-accused and she has eloped with the co-accused who was already married and on the complaint of wife of the co-accused, victim and co-accused were apprehended by the police. Learned counsel further submitted that marriage of the victim was performed with the applicant on 29th February 2024 and present F.I.R. is lodged on 12th March 2025 i.e. one year after the incident. No custodial interrogation of the applicant is required. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP alongwith learned counsel respondent no. 2 that applicant is maternal uncle of the victim. As per the provisions of Hindu Law, marriage is prohibited with the niece, but the applicant performed marriage with the victim and thereafter, sexually assaulted her. Applicant was aware about the age of the victim. Considering the allegations against the applicant, custodial interrogation is

required. Hence, requested to reject the application.

5. I have heard all learned counsel, perused F.I.R. and documents produced on record. F.I.R. was lodged by victim when she was apprehended by the police and she was found with co-accused. There is delay of one year in lodging the complaint against the applicant. As per F.I.R., parents of the victim had forcibly performed marriage of the victim with the applicant. As there is more than one year delay in lodging F.I.R., custodial interrogation of the applicant is not required. The co-accused has been released on bail. Investigation is completed and charge-sheet has been filed.

6. Considering these facts, I pass following order:

ORDER

I. In the event of arrest, applicant be enlarged on bail in C.R. No. 82/2025 registered with Pandharpur Gramin Police Station, Distict: Solapur on furnishing P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

II. The applicant shall attend the concerned police station as and when required.

III. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

IV. The applicant shall not indulge in similar nature of offences. If the applicant, indulges in such acts, it would be a ground to cancel his bail.

V. Application is disposed of in above terms.

7. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]