

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 4675 OF 2024

Babu Alias Umaji Dattatray Masugade	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Rupesh Nalavade, Advocate for the Applicant.

Mr. V. A. Kulkarni, A.P.P. for the Respondent – State.

Mr. Arjun Baban Koli, (ASI), Pusegaon Police Station, present.

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CORAM : N. R. BORKAR, J.

DATE : 15th APRIL, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 1 of 2024 registered at Pusegaon Police Station, District : Satara for the offences punishable under Section 376(2)(n) of the Indian Penal Code, Sections 4, 5(J)(2), 5(l), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Child Marriage Prohibition Act.
3. According to the prosecution, though the applicant was aware that the victim was below 15 years of age, he married her and subjected her to sexual intercourse.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that under the personal law by which the parties are governed the girl can marry after attaining puberty. It is submitted that there is no convincing evidence to show that on the date of marriage victim was below 15 years of age. It is submitted that the applicant is in jail for one year and three months and the trial has not commenced.

6. On the other hand, the learned A.P.P for the Respondent-State submits that on the date of marriage, the age of the victim was 12 years and 9 months. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the charge-sheet. *Prima-facie*, there appears to be substance in the submission of the learned counsel for the applicant. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 1 of 2024 registered at Pusegaon Police Station, District : Satara for the offences punishable under Section 376(2)(n) of the Indian Penal Code, Sections 4, 5(J)(2), 5(l), 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Child Marriage Prohibition Act on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)