



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

ANTICIPATORY BAIL APPLICATION NO. 382 OF 2025

Sarita Jaiprakash Rahate And Anr. ...Applicants
V/s
The State of Maharashtra And Anr. ...Respondents

...
Adv. Raju Suryawanshi for the Applicants.
Adv. Ajay S. Patil APP for the State.
...

CORAM : RAJESH S. PATIL, J.

DATED : 12th FEBRUARY, 2025

P.C.:

1. The Applicants have filed the present Application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 apprehending their arrest in C. R. No. 11 of 2025 registered with Devrukh Police Station for the offences punishable under Section 10, 4 and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 11 and 9 of Prohibition of Child Marriage Act, 2006 and Section 376(2)(n), 376(1) of the Indian Penal Code, 1860.

2. The First Informant (victim) is a girl, who was 14 years

and 9 months old when her marriage was solemnized with a man, who was 35 years of age. After marriage held at Ratnagiri, she was sent to Mumbai to her brother-in-law's place. After five months, she came back to Ratnagiri and started residing in her matrimonial home with her husband and in-laws from 16 May, 2024.

3. It is her case that after she started residing with her husband and in-laws, within few days, her husband started abusing her and on 25 November, 2024 she was forced to go back to her parent's house, which is at Salvi Stop Zopadpatti, Ratnagiri. It is further submitted in the complaint that during her stay with her husband, from 16 May, 2024 to 25 November, 2024, there were physical relationship between them. As she missed her monthly cycle, a pregnancy test was performed, when she realized that she was pregnant. She informed the said incident to her mother.

4. On 18 January, 2025, a lady from Child Line Institution (NGO) came to her home and identified herself as Anvi Abhijeet Shinde. She was accompanied by Aditya Anant Chavan and one lady police constable. She was asked about her personal information and after that the said lady along with police

constable took the victim to nearby police station. In the said police station it was also noted that the victim was less than 15 years of age at the time of marriage. Due to ill-doings of a lady residing near the victim's home, who is Accused No. 1 and the present Applicants who are the father-in-law and mother-in-law of the victim the child marriage was performed. The police have accordingly recorded the FIR against the lady who has arranged for the marriage of the victim, the present Applicants being the father-in-law and mother-in-law of victim, the sister-in-law of the victim and the husband of the sister-in-law so also the husband of the victim.

5. The husband of the victim has been arrested and he is behind the bars. Accused No. 1 lady who had facilitated to arrange this marriage is absconding. Accused No. 5 and 6 who are the sister-in-law and husband of the sister-in-law of the victim have been granted protection by the Sessions Court in Anticipatory Bail Application.

6. Mr. Suryawanshi, learned counsel for the Applicants submitted that a settled family has been totally destroyed by an action of the NGO and Police. He submitted that the present

Applicants were not aware about the age of the victim at the time of the marriage. He submitted that Section 10 of the Prohibition of Child Marriage Act, 2006 will not be attracted against the present Applicants. The mother of the victim had produced a birth certificate before the marriage which suggested that the victim girl was about 18 years of age at the time of marriage. The police and NGO by coming to the house of the Applicants, have taken away the victim girl along with them, whereabouts of the victim girl is not known and probably she is at present in rescue home. He submitted that by putting the father-in-law and mother-in-law of the victim girl behind the bars, no one is going to be benefited and there is nothing to be recovered from the Applicants. Therefore, the Applicants should be protected in the present proceeding.

7. The learned APP submits that the present Applicants were well aware about the age of the victim at the time of marriage. In fact, the husband of the victim when he was taken into custody, at that time, he revealed that the victim girl was born in Ratnagiri on 1 August, 2003. However, the police found that the victim girl was never born in Ratnagiri and she was in fact born on 1 August, 2009 as per the school records of the victim girl. He

submitted that this is a case of a child marriage and the present Applicants are equally liable. It is submitted that taking into consideration the complaint as recorded in the FIR, the future of the victim girl is in dark as she was pregnant at the time when she was forced to leave her matrimonial house. He submitted that the police would have to inquire and make further investigation.

8. This is a unfortunate case of child marriage, where a girl staying with her parents in slums (Zopadpatti) at the outskirts of Ratnagiri City whose parents hail from village Belkur, Tal-Chilodi, Dist- Belgaon Karnataka, was married on 7 March, 2024 with a man aged 35 years. On 25 November, 2024, the girl was forced to go back to her parent's house at Salvi Stop Zopadpatti/slums and she was pregnant at the relevant time. After filing of the FIR, the husband of the girl has been arrested. The main Accused No. 1, the lady who had arranged this marriage knowing that the girl was less than 15 years at the time of marriage, is absconding. The present Applicants are the father-in-law and mother-in-law of the victim girl who have been arraigned as accused in the present FIR on the ground that they were aware about the age of the victim.

9. What has been argued before me is that the Applicants being the parents of the husband with whom the victim girl was married were shown birth certificate of the victim. It is not clarified that for what purpose, a birth certificate was shown before marriage. The minor girl was pregnant at the time when she was forced to leave the matrimonial house. A false statement was made by the husband of the victim to the police that the victim girl was born in Ratnagiri and her age was above 18 years at the time of marriage. The police have verified with the Ratnagiri Civil Hospital and have further checked with the Municipal Council and School Authorities, when they discovered as per school records that the age of the victim was around 14 years and 9 months at the time of marriage.

10. Therefore, it is also necessary to find out who has prepared the bogus birth certificate of the victim girl, in order to show that she was more than 18 years at the time of marriage. The girl parents hail from Belgaon Karnataka and they had come to Ratnagiri in search of work for livelihood. They were/are staying at the outskirts of the city, in a slum area, therefore, it does not appear to be that it was they, who got prepared a forged birth

certificate of the victim girl. It will be the duty of the police to verify and check who had prepared the forged birth certificate of the victim. Even for this reason the police has to make investigation.

11. This leaves me to check whether the present applicants, who have consented and taken part in the marriage of their son, who was aged about 35 years, to a minor girl, should be granted any kind of protection by this Court.

12. Taking into consideration the contents of the FIR, I am convinced there is no merit in the present Anticipatory Bail Application and the same deserves to be rejected. Hence, **Anticipatory Bail Application is rejected.**

(RAJESH S. PATIL, J.)