



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.352 OF 2025

(Prasanna s/o Kantaprasad Tiwari Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.L. Jaiswal, Advocate for the applicant.
Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 9, 2025.

The applicant is apprehending arrest in connection with Crime No.98/2025 registered with Police Station Sakharkheda, District Buldhana for the offences punishable under Sections 64, 64(2)(i), 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 read with Sections 4, 6, 12 and 17 of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006.

2. The Informant is wife of the applicant. She claims that on the date of her marriage she was 16 years and 3 months. Now, she is residing along with the present applicant who is her husband and also carrying the pregnancy. Her statement was recorded during the investigation and thereafter crime is registered against the present applicant.

3. Learned Counsel for the applicant submitted that the statement of the victim itself shows that she at her own accord performed the marriage with the present

applicant and there was no knowledge for the present applicant regarding her age. Now, investigation is already completed and charge-sheet is filed. The custodial interrogation of the applicant is not required.

4. Learned APP strongly opposed the application; however, he admitted that the victim has not supported the prosecution case. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the investigation papers it reveals that now investigation is completed. The statement of the victim shows that she herself performed the marriage with the present applicant and now she is residing along with him and also carrying the pregnancy. Considering all these aspects, the custodial interrogation of the present applicant is not required. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant – Prasanna s/o Kantaprasad Tiwari in connection with Crime No.98/2025 registered with Police Station Sakharkheda, District Buldhana for the offences punishable under Sections 64, 64(2)(i), 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 read with Sections 4, 6, 12 and 17 of Protection of Children from

Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)