



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2625 OF 2025
IN
CRIMINAL APPEAL NO. 941 OF 2025

1. Bharat Digambar Ghuge
 2. Chandrakalabai Bharat Ghuge
 3. Ajit Dhanaji Bondar
 4. Dhanaji Babu Bondar
 5. Janabai Dhanaji Bondar
 6. Surekha Neharu Bondar
- (Applicant Nos. 1 to 6 deleted as per order dated 08/10/2025)

7. Ram Digambar Ghuge
Age 51 Years, Occ. Labour
R/o. Andur, Tq. Tuljapur,
Dist. Osmanabad

8. Laxman Digambar Ghuge
Age 48 Years, Occ. Labour

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Station Officer
Osmanabad Gramin Police Station.
Tq. & Dist. Osmanabad

2. Devidas Ambadas Chavan
R.o Andur, Tal. Tuljapur,
Dist. Osmanabad.

..RESPONDENTS

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Mr. S.M. Pandit, Advocate for applicants (appointed through Legal Aid)
Mrs. M.N. Ghanekar, A.P.P. for respondent no.1 – State
Mr. A.V. Patil, Advocate for respondent no.2 (appointed)

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CORAM : RAJNISH R. VYAS, J.
DATE : 27th JANUARY, 2026

PER COURT :

. The applicants / original Accused Nos. 7 and 8 have preferred this application under Section 389 of the Code of Criminal Procedure. They were convicted in Special Case No. 121 of 2021 decided by Special Judge, Osmanabad for commission of offence punishable under Sections 10 and 11 of Prohibition of Child Marriage Act, 2006 (hereinafter referred as 'Act of 2006') and sentenced to suffer short term imprisonment of ten days and fine of Rs.5,000/- for each offence with default sentence.

2. This Court vide order dated 15th December, 2025 has already suspended the sentence imposed upon them till the next date. Learned counsel for the applicants submitted that considering the length of sentence, the said order be continued.

3. Per contra, learned A.P.P. and learned counsel for Respondent No.2 / victim submitted that the application is liable to be rejected.

4. I have gone through the record of the case. Applicants / original Accused nos. 7 and 8 were convicted for commission of offence punishable under Section 10 of the Act of 2006 and directed to suffer imprisonment for ten day and pay fine of Rs.5,000/- each. The default sentence was also imposed. So far as conviction under Section 11 of the Act of 2006 is concerned, similar punishment was imposed. All the sentences were directed to run concurrently. Learned counsel for the applicants submitted that they

have already deposited the fine amount. In view of the fact that the sentence imposed upon the applicants is of short term i.e. of 10 days only and arguable points are made out, I am inclined to allow the application. It is also required to be noted that all throughout they were on bail and did not misuse their liberty. Hence, the following order :-

ORDER

- (I) Criminal application is allowed.
- (II) The sentence imposed upon Applicant Nos.7 and 8/ Original Accused Nos. 7 and 8 i.e. Ram Digambar Ghuge and Laxman Digambar Ghuge for commission of offence punishable under Sections 10 and 11 of Prohibition of Child Marriage Act, 2006, stands suspended till final decision of appeal.
- (III) They be released on same terms and conditions as were imposed by the trial Court while granting them bail.
- (IV) Since the application is filed through Legal Aid, fees of learned counsel for the applicant be quantified as per rules.
- (V) Mr. Amarjeet V. Patil, learned counsel appointed to represent Respondent No.2 – victim, has ably defended his client, his fees be quantified at Rs.7,000/- to be paid by the High Court Legal Services Sub-Committee, Chhatrapati Sambhajanagar.

(RAJNISH R. VYAS, J.)