IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 544 OF 2026

Omkar @ Onkar Balaso Bhat,
Age : 24 Years, Occu. : Labour,
R/o Abdul lat, Tal. Shirol,
Dist. Kolhapur. .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Ramnik Pawar, Advocate a/w Shri Nadeem Saudagar, Advocate a/w Shri Vinod Shejwal, Advocate a/w Shri Amit Waykool i/by Shri Parvej N. Nadaf, Advocate for the Applicant.
Shri Shrikant H. Yadav, A.P.P. for the Respondent Nos. 1 and 2.
Mrs. Puja Deshmukh, Advocate i/by Shri Samadhan Mhamulkar, Advocate for the Respondent No. 3.
Ms. Maya V.

CORAM : SHAILESH P. BRAHME, J.
DATE : 27TH OCTOBER, 2026.

FINAL ORDER :

. Heard both sides.

2. Applicant is seeking bail in connection with Cr. No. 09/2026 registered with Hupri Police Station, District Kolhapur for the offences punishable U/Sec. 09, 10 and 11 of the Prohibition of Child Marriage Act, 2006 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "B. N. S."). He is arrested on 02.01.2026. The charge sheet is

filed on 02.03.2026.

3. The first information report pertains to incident of child marriage of the respondent No. 3 – victim with co-accused No. 1 – Nilesh Shivaji Shinde. During the course of investigation it was transpired that after residing at the matrimonial home the victim returned to her parental home. It further revealed from her statement recorded U/Sec. 183 of the Bhartiya Nagarik Surakshya Sanhita (for short "B.N.S.S.") that the applicant committed sexual assault on her. Hence at the time of filing of charge sheet Sec. 65(1), 351(3) and 3(5) of the B. N. S. are also added. The applicant is facing independent allegations in the above context.

4. Learned counsel for the applicant has brought to my notice that the age of the victim at the relevant time was more than 16 years. The applicant and the victim are willing to marry after attaining marriageable age. It is submitted that they had love affair.

5. Learned counsel appearing for the respondent No. 3 confirms the position and supports the applicant. It is submitted on instructions of the client by the learned counsel that the respondent No. 3 has no objection for enlarging the applicant on bail on conditions.

6. Learned A. P. P. submits that the investigation is conducted

and incriminating material is found against the applicant and the co-accused. The offence in question is serious. The consent of the victim is immaterial as she is minor. It is submitted that in order to avoid the complications, the application be rejected.

7. I have considered rival submissions of the parties. I have gone through the first information report as well as statement of the victim recorded U/Sec. 183 of the B. N. S. S. It transpires that the victim was 14 years and 10 month of age when her marriage was solemnized on 15.06.2024, which is one of the overt act stated in the first information report. Thereafter, she came back to her parental home. There were episodes of sexual encounters between the applicant and the victim. When her medical examination was conducted, she was found to be of 15 years 05 months of age. Her date of birth is 19.07.2010. Her age at present is 16 years 03 months. She is minor, but she is willing to go with the applicant by contracting marriage.

8. Applicant's mother and victim's aunt are personally present in the Court to instruct their respective learned counsels.

9. Learned counsel appearing for the applicant has made a candid statement on instructions of his client that applicant is ready to marry the respondent No. 3 after her attaining marriageable age. Learned counsel for the respondent No. 3 also on instructions supports the applicant, but the respondent No. 3 - victim will decide after attaining age of majority as to whether to

marry the applicant or not.

10. In view of such a situation, I find that further incarceration of the applicant is not required. He is entitled to bail on certain conditions. I, therefore, pass following order.

O R D E R

(i) Bail Application is allowed.

(ii) Applicant - Omkar @ Onkar Balaso Bhat shall be released on bail in Cr. No. 09/2026 registered with Hupri Police Station, District Kolhapur for the offences punishable U/Sec. 09, 10 and 11 of the Prohibition of Child Marriage Act, 2006 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P. R. bond in sum of Rs. 25,000/- (Rs. Twenty Five thousands only) with one or more solvent sureties of like amount on the following conditions :

(a) The applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(b) The applicant shall furnish contact number of himself or his close relative / friend to the Investigating Officer.

(c) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.

(d) The respondent No. 3 – victim shall be at liberty to take decision as to whether to marry with the applicant or not after attaining age of majority. In case she decides not to marry, then that would not affect the order of enlargement of applicant on bail.

(e) If the applicant retracts from the promise and refuses to marry the respondent No. 3 after attaining her age of majority that would be treated as breach of condition and would entail cancellation of bail without reference to this Court.

(f) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.

(iii) Bail application is disposed of accordingly.

[SHAILESH P. BRAHME J.]

bsb/Oct. 26