IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 695 OF 2024

Saheblal Moula Shaikh & Anr. ……Applicants

Versus

The State Of Maharashtra & Anr. ……Respondents

- *Mr. Mervin Bardeskar a/w. Mr. Darshan Singh Rajpurohit i/b. Mr. Ritesh Thobde for Applicants.*
- *Mr. Nitin B. Patil, A.P.P. for the Respondent No.1-State.*
- *Mr. Sushan N. Mhatre, Appointed Advocate Through Legal Aid, for Respondent No.2*

Coram : ASHWIN D. BHOBE, J.

Date : 13th October 2026.

PER COURT :

1. Heard Mr. Mervin Bardeskar, learned Advocate for the Applicants, Mr. Nitin Patil, learned A.P.P. for the Respondent No.1 and Mr. Sushan Mhatre, learned Advocate for the Respondent No.2.

2. On 11th March 2024, the following order was passed :

> *"1. The Applicants are seeking anticipatory bail in connection with C.R.No.14 of 2024 registered at Akkalkot Police Station, Solapur Rural, on 14.01.2024, under Sections 376(2)(n) of the Indian*

Penal Code, under Sections 10 and 12 of the Prohibition of Child Marriage Act and under sections 12, 4 and 6 of the Protection of Children from Sexual Offences Act.

2. *Heard Mr. Ritesh Thobde, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State.*

3. *The F.I.R. is lodged by the Respondent No.2 who is the alleged victim in this case. She was 16 years 9 months of age. It is her case that, on 24.02.2023 both the applicants who are her parents got her married with her husband. At that time the applicants were aware that she was 15 years of age. After her marriage, she had physical relations with her husband. On 18.03.2023 she realized that she was pregnant. For the purpose of delivery she came back to reside with the applicants. She delivered her daughter on 19.12.2023. After that this F.I.R. is lodged.*

4. *Learned counsel for the applicants submitted that the husband of the informant is in custody. The applicants have not committed any offence under POCSO Act. The main allegations, at the highest, could be against the informant's husband. He submitted that the informant's child is with the applicants and their custodial interrogation in this background will cause serious prejudice to the informant herself and her child. He submitted that the custodial interrogation of the applicants is not going to help the investigating agency in any manner.*

5. *Learned APP submitted that the offence under POCSO Act is serious and the applicants knowingly got her married to her husband, though, she was around 15 years of age.*

6. *I have considered these submissions. The applicants are the parents of the informant. At present, the informant's and considered her child's responsibility is on them. It has to be considered as to whether in these circumstances, their custodial interrogation can really serve any purpose. On humanitarian grounds their application for anticipatory bail can be considered. However, since the offences under POCSO Act are applied, it is necessary to hear the Respondent No.2 in this case. Till then, the applicants can be protected by way of ad-interim relief.*

7. *Hence, the following order.*

ORDER

i) In the event of their arrest in connection with C.R.No.14 of 2024 registered at Akkalkot Police Station, Solapur Rural, till the next date, the Applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

ii) This order shall operate till 18/04/2024.

iii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

iv) Issue Notice to the Respondent No.2, returnable on 18.04.2024.

v) The I.O. shall inform the informant/Respondent No.2 about the next date of listing of this application.

vi) Stand over to 18/04/2024."

3. Mr. Mervin Bardeskar, learned Advocate for the Applicants, states that the Applicants have appeared before the Investigating Officer and cooperated with the investigation. He submits that the investigation in Crime No. 14 of 2024 is complete, the charge-sheet has been filed and the case is now pending before the Additional Sessions Judge, Solapur. He submits that the proceedings are registered as Special Case No. 91 of 2024 and that the Applicant is regularly appearing before the Trial Court.

4. Mr. Nitin Patil, learned A.P.P. for the Respondent No.1, on instructions from the Investigating Officer, states that the Applicant has cooperated with

the investigation and the proceedings are now pending trial before the Additional Sessions Judge, Solapur in Special Case No. 91 of 2024.

5. Considering the statements made by Mr. Mervin Bardeskar, learned Advocate for the Applicants and Mr. Nitin Patil, learned A.P.P. for the Respondent No.1, the fact that the proceedings arising out of Crime No. 14 of 2024 are now pending trial before the Additional Sessions Judge, Solapur, as Special Case No. 91 of 2024 and further considering that the Applicant has been on bail since 11th March 2024, with no allegations of breach or violation of any of the bail conditions, the present Application is allowed and disposed of by confirming the order dated 11th March 2024 and making the same absolute in terms of paragraphs 7(i) and 7(iii).

6. The Anticipatory Bail Application No. 695 of 2024 is disposed of.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN

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