

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

ANTICIPATORY BAIL APPLICATION NO. 807 OF 2019
WITH
CRIMINAL APPLICATION NO. 1882 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO. 807 OF 2019

(Shri Dnyaneshwar Totaram Malode Vs. State of Maharashtra through Police
Station Officer, Police Station Buldhana (City), Dist. Buldhana.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri K.P. Sadavarte, Advocate for the applicant.
Shri Amit Chutke, APP for the respondent-State.

CORAM : S.M. MODAK, J.
DATE : 24th DECEMBER, 2019.

This is the anticipatory bail application filed by the first husband of the victim. He married with the victim / first informant on 19th April, 2018. At that time she was of 14 years of age. After cohabitation with certain days, the victim left from the company of the applicant.

2. She was married with the accused no.8 Ramesh Udhav Kale. On 31st July, 2018 she executed a separation deed with this applicant, at that time also she was minor. Later on she eloped with the accused No.1 Vishal. She has not married with the Vishal.

3. Later on she made a complaint of sexual abuse and the pregnancy. She was being deceived to marry by the accused No.1 Vishal. The police of Buldhana City have registered the complaint on

18th October, 2018 and offences under Section 376(2)(j)(n) of the Indian Penal Code and Sections 9, 10 and 11 under Prohibition of Child Marriage Act, 2007 read with Section 34 of the Indian Penal Code were registered. The applicant approached the Buldhana Court for anticipatory bail, it was rejected on 19th November, 2019 after hearing.

4. Today I have heard learned Advocate Shri Sadavarte and learned Assistant Public Prosecutor. The police has already seized the settlement documents executed with the present applicant. They are having possession of the birth certificate of the victim. I do not find any reason for which custodial interrogation is required. The medical examination and taking samples of the applicant can be done even by giving the attendance. The main allegation seems to be against the accused no.1 Vishal. So case for anticipatory bail is being made out. Hence, the order.

ORDER

- i. Investigating Officer of Buldhana (City) Police Station is directed to release the applicant on anticipatory bail in the event of arrest in CR No. 1043 of 2018 registered under Section 376(2)(j)(n) of the Indian Penal Code and Sections 9, 10 and 11 under Prohibition of Child Marriage Act, 2007 read with Section 34 of Indian Penal Code on furnishing P.R.Bond and Surety Bond of Rs.25000/-.
- ii. Applicant is at liberty to furnish one or more surety.
- iii. Applicant is directed to attend Buldhana (City) Police Station from 10 am to 2 pm for two weeks.

- iv. Applicant shall not tamper with the prosecution witness.
- v. Application is disposed of.

JUDGE

sknair