

MHAK010009442026

CRIMINAL APPLICATION (ABA)
NO.152/2026.

(Mohammad Sufiyan Jainuddin)

ORDER BELOW EX.01.

(Date : 10.03.2026)

Applicant Mohammad Sufiyan Jainuddin has sought pre-arrest bail under S.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with crime No. 328/2025 registered with Khadan police station, Tq. Dist. Akola for the offence punishable under Sec. 137(2), 115(2), 64, 64(2), 351(2) of Bharatiya Nyaya Sanhita, 2023 and Sec. 9, 10 & 11 of Child Marriage Restrain Act and Sec. 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 .

2) Brief facts of the prosecution case are as under :

On 11.4.2025, informant lodged missing FIR. Victim is her 17 years old daughter. It was alleged that victim was married to Mohd. Sufiyan. She has marital dispute with her husband. So she was residing with other accused. Informant has suspicion that due to said reasons, victim left her home. So she lodged missing FIR. During investigation, victim was found at Chandrapur. Her statement was recorded. It was revealed that co-accused performed marriage of victim with Mohd. Sufiyan on 10.11.2024. Marriage was consummated. But due to ill-treatment at the hands of husband and in-laws, she left her matrimonial home. She was taken to hospital for medical check-up. She was found under age. So further offences were added. Applicant is

husband of victim. Apprehending arrest, applicant has sought pre-arrest bail.

3) State has opposed bail application on various grounds.

4) Learned Advocate Shri A.P. Deshpande for the applicant has submitted that there is Nikahnama of the marriage. In fact, marriage between applicant and victim is not in dispute. At the time of marriage age of victim was told as major. There is minor marital discord. Nothing is to be seized. Custodial interrogation is not necessary. Applicant is ready for medical examination. Applicant is ready to abide by conditions of bail order.

5) Learned Spl. P.P. Shri Khot has submitted that the offence is serious in nature. There is offence of aggravated penetrative sexual assault. Investigation is at primary stage. Custodial interrogation is necessary. If the applicant is protected from arrest, there is likelihood of tampering and absconding. He has strongly opposed the application.

6) The informant and victim have appeared in the matter and strongly objected to grant pre-arrest bail to the applicant. It is submitted by victim that applicant is her husband. He beat and threatened her.

7) Investigation papers contained marriage card and photographs of marriage. So it is not the case that victim and present applicant performed secret marriage. Marriage took place on 10.11.2024. Victim went to reside with the applicant and in-

laws. In the statement of victim it is alleged that applicant and his mother harassed her. When she asked the applicant to reside separately, he beat her. Apart from that there are no specific allegations of harassment caused by the applicant. Statement of victim shows that when she went to her maternal home, her mother harassed her to go to her matrimonial home. On 10.04.2025, victim went to Patur and then came to Akola and went to Nagpur. Then she mistakenly went to Chandrapur instead of Akola. Police took her to Balikashram, Chandrapur. The staff called her parents who brought her to Akola.

8) Shri. Deshpande has submitted that applicant is not denying relationship. He is ready for medical examination. Statement of victim makes it clear that sexual relations did not took place due to force or violence. Marriage was consummated in natural course. Alleged harassment is in the form of usual marital discord. In such situation, custodial interrogation is not necessary. Considering all these aspects this is fit case to grant pre-arrest bail. In the result, I pass following order.

Order

- (i) Application is allowed.
- (ii) In the event of arrest of applicant Mohammad Sufiyan Jainuddin in crime no.328/2025 registered with Khadan police station, Akola, Tq. Dist. Akola for the offence punishable under S.137(2), 64, 85, 115(2), 351(2) of Bharatiya Nyaya Sanhita, 2023, S.4 & 8 of the Protection of Children from Sexual Offences Act, 2012 and S.9, 10 & 11 of Child

Marriage Restraint Act, 2006, he be released on anticipatory bail on her executing PR Bond of ₹50,000/- (Rupees Fifty Thousand only) with one surety in like amount to the satisfaction of concerned Investigating Officer.

3. Applicant shall attend concerned police station on 14.03.2026 and 15.03.2026 between 3.00 to 5.00 p.m. and as and when required by the Investigation Officer and co-operate in the investigation including medical examination and giving medical samples.
4. Applicant shall not directly or indirectly make any inducement, threat and promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any Police Officer.
5. Inform concerned police station accordingly.

Date : 10.03.2026.

(A. D. Kshirsagar)
Special Judge(POCSO), Akola.

R.S. Shendre (Stenographer Grade-II)