

MHJN110004982023

**Cri. Bail Appln. in Spl. Case No. 37/2023**

Yogesh &amp; others Vs. State of Maharashtra

**Order Below Exh. 27, in Spl. Case No. 37/2023**

Accused Sumitra Thakaji Bhojne and other four have filed this application under section 439 of Cr.P.C. in CR. No. 296/2023 under Section 376, 376 (2) (N), 354-D, 506 of Indian Penal Code, 1860, and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act and Sections 9, 10 & 11 The Prohibition of Child Marriage Act, 2006 registered with Ambad Police Station. They requested to release them on bail.

02] It is the case of prosecution that, the victim was living with informant at Bhalgaon road Fulenagar. He has performed the marriage of victim with Ranjeet before two months of 21-04-2023. On 21-04-2023 victim was brought to Bhalgaon from Sanapwadi. On 24-04-2023 the victim had left the house of informant by saying that she will come back after attaching picko-fall to the sari but she did not return. Therefore, informant lodged the report of missing. During investigation police came to know that the victim was child. She has been kidnapped by accused Yogesh from lawful custody of informant and he raped her from time to time under the threat that he has her obscene photograph and if she could not cooperate he will make it viral. It is transpired from the statement of informant that the Rajneet got married with the child. It is

transpired in the investigation accused/applicants were aware victim is minor despite this they have got married the victim with accused Ranjeet.

03] Accused/applicants have filed this bail application and submitted that, during the investigation they have co-operated to the police by virtue notice under section 41 (A) of Cr.P.C. Therefore, they are not arrested by the police. The investigation is completed. The charge sheet is filed. Therefore, they appeared before the Court in response of summons and requested for bail.

04] The APP has filed the say and submitted that, the offence is serious. There is chances to tamper with the prosecution witnesses. If accused are released on bail, it will carry bad message in the society. He requested to reject the bail application.

05] Heard, learned APP Mr. W.A. Ghuge and Advocate for accused Mr. Sharma & Bhojane. The victim is appeared and filed the say at Exh-29 and requested that she has no objection to enlarge accused on bail.

06] I have gone through the record, it appears the principal co-accused Ranjit Prakash Gaikwad & Yogesh are released on bail.

07] It is the allegations against accused/applicants that they have performed the marriage of child with accused Ranjeet. The missing report dated 24-04-2023 filed by brother of victim discloses victim was married before two months of 21-04-2023 with co-accused Rajnit Gaikwad. The missing report further shows the age of victim was 19 years. The victim left the house of informant on her own by saying, she would come back after stitching the picko-fall to the sari. Aforesaid facts leads, it would be

proper to release accused/applicants on bail.

08] The age of victim is mentioned in three places is different and not matched to each other. Accused/applicants were not arrested by the I.O. during the investigation. They have cooperated to the I.O. The investigation is completed and charge sheet is filed. There is no chance to flee the accused from justice or tamper the prosecution witnesses. Therefore, in view of aforesaid facts, in my view, there is no need to detained the accused in prison. Accused have made out the case for bail. Hence, in the interest of justice, I pass the following order.

**ORDER**

- a] Application is allowed.
- b] Applicants/ Accused **3.Sumitra Thakaji Bhojane, 4.Haribhau Thakaji Bhojane, 5.Chhagan Rajaram Bhojane, 6.Prakash Asaram Gayakwad, 7.Avidhya Prakash Gayakwad** be released on bail from CR. No. 296/2023 under Section 376, 376 (2) (N), 354-D, 506 of Indian Penal Code, 1860, and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act and Sections 9, 10 & 11 The Prohibition of Child Marriage Act, 2006 registered with Ambad Police Station on executing PR bond and SB of Rs.50,000/- each with one surety in the like amount or cash security.
- c] Accused shall not try to contact with the prosecution witnesses in any manner.
- d] Accused shall co-operate to the I.O. and made available as and when required.

- e] Accused shall not tamper with the prosecution witnesses.
- f] Accused shall not leave the India without prior permission of the Court.

Date: 05-09-2023

**(Pralhad C.Bhagure)**  
Special Judge,  
Ambad

**Certificate**

I affirm that the contents of this PDF file are word to word as per original judgment.

Name of Steno :- Navnath D. Sahane  
Name of Court :- Special Court, Ambad  
Date :- 05/09/2023

sd/-  
Signature of Stenographer