

MHKO010024522026

Cri.Bail. Application No.607/2026**Order below Exh.1**

Applicant/accused Ajay Shrimant Kshirsagar is seeking relief of pre-arrest bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita on the grounds mentioned in the application. Crime No.133/2026 is registered against him and 4 others at police station, Gokulshirgaon, Dist. Kolhapur under sections 10, 11 and 9 of the Prohibition of Child Marriage Act, 2006.

02. According to the applicant, he is falsely implicated in the crime. The offences alleged against him are exclusively triable by the Judicial Magistrate First Class. He is ready to abide the imposed conditions. Thus, the applicant prayed for relief of pre-arrest bail.

03. The application is opposed by the prosecution. According to the prosecution, the applicant and other accused knew that the victim was minor at the time of marriage. In spite of this, accused Shubham performed marriage with her. The applicant is maternal uncle of the victim. It is required to be investigated whether he pressurized her or not. Possibility of financial transaction during the marriage cannot be ruled out. Investigation to that effect is necessary. The applicant may not be granted relief of pre-arrest bail.

04. Heard learned advocate for the applicant. He submitted that investigation in the crime is completed as the applicant has cooperated the investigation agency and remained present before

the I.O. , as and when called. Looking to the nature of offence, arrest of the applicant is not necessary as nothing is to be seized or discovered at their instance. Accused Vaishali, Balaso and Shubham are released on pre-arrest bail by this Court and the applicant is entitled to bail on the principle of parity.

05. Learned A.P.P. submitted that investigation is at primary stage. Arrest of the applicant is necessary to see financial transaction between the parties .

06. As per section 15 of the Prohibition of Child Marriage Act offences punishable under this Act are cognizable and non-bailable. Thus, apprehension of the applicant that he may be arrested on the basis of allegations made against them in the F.I.R. is well founded.

07. Sections 9, 10 and 11 of the Prohibition of Child Marriage Act provide for maximum rigorous imprisonment for 2 years and fine. In view of Part-II of the I Schedule of the Bharatiya Nagarik Suraksha Sanhita these offences alleged against the applicant are triable by Magistrate. The victim's statement is recorded during the course of investigation. She stated before the I.O. that accused no.3, after two months of marriage, tried to pull and embarrass her. No such allegation is there against the applicant. At this stage of the matter no other allegations are made in the F.I.R. against the applicant except offences under Prohibition of Child Marriage Act. Such circumstances are sufficient to arrive at the conclusion that physical arrest of the applicant is not warranted. He is entitled to relief of pre-arrest bail on the principle of parity. In the

result, following order is passed -

ORDER

1. Application is allowed.
2. In the event of arrest of the applicant, he be released on bail subject to execution of their personal bond of Rs.25,000/- and surety in the like amount.
3. He shall not threat the informant and witnesses, directly or indirectly.
4. He shall appear before the in-charge of police station on every Monday between 5 and 7 p.m. till filing of the chargesheet.

(D. V. Kashyap)

Date: 02/07/2026

Additional Sessions Judge, Kolhapur.