

MHRG010008372024



Spl. (POCSO) Case No.23/2024.

The State of Maharashtra

Vs.

Raja Rama Pawar & Ors.

ORDER BELOW EXH. 8

The accused Nos.4 and 5 namely Shri. Eknath Shraavan Waghmare and Smt. Manisha Eknath Waghmare have filed application for bail under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023.

02. It is contended by Adv. Shubham Vele for the accused that the offences under Sec.376(2)(j) and (n), 376(3) of The I.P.C. and under Sec.4, 6, 8, 10 of The Protection of Children From Sexual Offences Act, 2012 and under Sec.9, 10, 11 of The Prevention of Child Marriage Act, 2006 is registered against the accused. In fact, the accused has not committed any offence. Further after investigation the charge-sheet is filed and therefore the custody of the accused is not required. Hence, he prayed for bail.

03. Learned APP Shri. P. P. Hajare filed say at Exh.9 and resisted the application. According to him, the accused performed the marriage of their minor daughter with accused No.1 Raja Pawar. The offence is serious and if the accused are released on bail, there is possibility of fleeing from justice.

04. I have gone through the charge-sheet. It is alleged that the accused Nos.4 and 5 are the parents of the minor victim. They were knowing that the victim is minor. Even though they performed her marriage with accused No.1 Raja Pawar. It is to be noted that during investigation the accused were not arrested by the police and the accused are appeared suo motu before the Court. After investigation the charge-sheet is filed. Thus the custody of the accused is no more required as the investigation is completed in absence of the accused.

05. Further the accused are permanently residing at Aadivasiwadi, Bhalgaon, Tal-Alibag, Dist-Raigad alongwith the family. They are not having criminal antecedent. Thus their presence during trial can be secured. Hence, I pass following order.

ORDER

1. The application Exh.8 is allowed.
2. The accused No.4 Shri. Eknath Shravan Waghmare and accused No.5 Smt. Manisha Eknath Waghmare be released on bail on furnishing P R. Bond of Rs.15,000/- each with one surety in like amount in connection with the offence registered with Pen Police Station vide Crime No.171/2024 under Sec.376 (2) (j), (n), 376(3) of the I.P.C. and under Sec. 4, 6, 8, 10 of The Protection of Children From Sexual Offences Act, 2012 and under Sec.9, 10, 11 of The Prevention of Child Marriage Act, 2006.
3. The accused No.4 Shri. Eknath Shravan Waghmare

and accused No.5 Smt. Manisha Eknath Waghmare shall not tamper the prosecution evidence and regularly attend the Court.

P. & D. in the open Court.

Alibag.
Date: 01/08/2024

(N. K. Maner)
Special Judge & Additional
Sessions Judge, Raigad-Alibag.