



**Spl. Case No.41/2022**  
**The State of Maharashtra**  
**Vs.**  
**Mangesh Kashiram Jadhav &**  
**Others**  
**CNR No.MHRG150007882022**

**:: ORDER BELOW EXH. 5 ::**  
(Passed on 2<sup>nd</sup> January, 2023)

1. The present application is filed by the applicants/accused No.2 to 4 under Section 439 of Criminal Procedure Code for releasing them on regular bail.

2. The applicants contended that applicant No.1 and 2 are parents of victim and applicant No.3 and 4 are in-laws of victim. They belongs to Adivasi community. They were not aware about the age of victim as well as accused No.1. They are illiterate. Therefore as per Adivasi customs they have performed marriage of victim and accused No.1. The accused No.1 is also child in conflict with law. The Juvenile Board had released him on regular bail.

3. They further contended that they have not committed any offence. The investigation of offence is completed and charge-sheet is filed against them. The Investigation Officer had not arrested them during the course of investigation. The Investigation Officer had arrested them on the day of filing charge-sheet and had produced them

before Hon'ble Court. The investigation of the offence is completed. Therefore nothing is to be recovered or discovered at their instance and prayed that they may be released on regular bail.

4. The learned A.P.P. filed his say at Exh.6. He contended that the offence is serious in nature. The applicants have solemnized the marriage of minor victim with accused No.1, who was also minor at the time of marriage. The applicants for work purpose goes to Karnataka or Sangli. They do not resides at their own village. Therefore, if they are released on regular bail, there are chances that they may abscond and delay the trial. He further contended that applicant No.1 and 2 are parents of victim and applicant No.3 and 4 are in-laws of victim. If they are released on regular bail, they may pressurize the victim and tamper the evidence of prosecution. He prayed that the application be rejected.

5. Heard learned advocates appearing for parties.

6. On perusal of material available on record it appears that the applicants have solemnized marriage of two minors. The applicants belongs to Adivasi Community. At the time of marriage the age of accused No.1 was 17 years 11 months and of victim is 16 years 6 months. The statement of victim shows that she was have love affair with accused No.1. She got pregnant from said relation. The fact about her

pregnancy come to the knowledge of applicants. Thereafter they have solemnized their marriage. The material further shows that during the course of investigation the Investigation Officer had not arrested them. He had arrested them on the day when he filed charge-sheet before this Court. The investigation of the offence is completed. The custody of victim is given to her parents who are accused in the offence. The say of Investigation Officer does not show that the victim had made any complaint about influencing or threatening her against applicants. The investigation of the offence is completed. Therefore, nothing is to be recovered or discovered at the instance of applicants. Taking into consideration all the above facts in my opinion, the applicants can be released on regular bail by putting appropriate conditions for their appearance at trial. Hence, I proceed to pass following order.

**ORDER**

1. The application is allowed.
2. The applicants/accused **Laxmi Chandrakant Jadhav, Chandrakant Babu Jadhav, Hira @ Savita Kashiram Jadhav and Kashiram Gangaram @ Shankar Jadhav**, be released on regular bail in **Crime No.119/2022** registered at Kolad Police Station, for the offence punishable under Section 376, 376(2) (n) of Indian Penal Code, Section 4, 5(j)(2), 5(l), 6 and 17 of The Protection of Children From Sexual Offence Act, 2012 and Section 9

and 11 of Child Marriage Act, on their executing PB of Rs.55,000/- (Rupees Fifty Five Thousand Only) each with one solvent surety each in like amount.

3. The applicants shall not tamper with the evidence of prosecution or pressurize the witnesses.
4. The applicants shall visit concern Police Station once in the month i.e. on 2<sup>nd</sup> Saturday of every month (between 10.00 a.m. to 1.00 p.m.) till conclusion of trial.
5. The applicants shall furnish their residential proof in Court.
6. The applicants shall attend each and every date of hearing.
7. Inform concern Police Station.
8. Violation of any condition will entail for cancellation of bail.

Mangaon.  
Dt.: 02/01/2023

( H. K. Bhalerao )  
Additional Sessions Judge, Mangaon,  
District Raigad.