

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.138 of 2015

Sonu s/o Ashok Baig.

.. Applicant.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Arvind S. Kale, Advocate, for applicant.

Shri. N.B. Patil, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 15th JANUARY 2015

ORDER:

1) The application is filed for the relief of anticipatory bail. Heard learned counsel for the applicant.

2) In view of the fact that previous application bearing Criminal Application No.5213/2014, which was filed by the applicant before this Court, when this Court expressed that this Court was not inclined to grant the relief, it was necessary for the applicant to show that

circumstances have changed and the applicant has now become entitled to get the relief. Learned counsel for the applicant submits that charge sheet is filed. In that case it can be said that the present applicant is shown as absconding accused and the charge-sheet is filed under section 299 of the Cr.P.C.

3) Crime is registered on the basis of report given by one Naved. In the incident dated 20th May 2014 the prosecutrix was forcibly taken away and kidnapped by some persons who included the present applicant. Allegations are made that one person by name Gourav Munna Jedhe had proposed the prosecutrix to marry with him but the prosecutrix had refused to marry with him and then she married with the complainant. After the marriage this heinous act was committed by the applicant. Crime is registered for offences punishable under sections 363, 366 etc of the Indian Penal Code. Charge sheet is filed. Learned counsel for the applicant submitted that subsequently offence punishable under section 376 IPC came to be added.

4) Learned counsel for the applicant submitted that the present applicant was only in the company of Gourav, he is entitled to the relief of anticipatory bail. This submission is not at all acceptable. In view of the circumstances this Court holds that protection cannot be given to the applicant and discretion cannot be used in his favour. When he has been shown as absconding accused, he needs to be arrested and it cannot be said that investigation against him is completed.

5) The application is rejected without issuing notice to other side.

Sd/-
(T.V. NALAWADE, J.)

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