

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 376 OF 2015

Ganesh s/o. Deelip Sose and Ors.**Applicants.**

Versus

The State of Maharashtra**Respondents.**

Mr. A.N. Nagargoje, Advocate for applicants.

Mr. M.M. Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 9th February, 2015.

ORDER :

1. The application is filed for relief of bail. Both the sides are heard. This Court has perused the papers of investigation which include the statement of prosecutrix and the record of medical examination of the prosecutrix.

2. The crime is registered on the basis of report given by mother of prosecutrix. At the relevant time, prosecutrix was aged about 15 years as per the case of mother, but as per the record, the age was around 13 years. The main accused Devidas is relative of prosecutrix and the prosecutrix is the daughter of maternal uncle of Devidas. There are allegations that on 18.12.2014, present applicant helped Devidas to kidnap

prosecutrix from the residential place to other place where allegedly her marriage was performed with Devidas. Statement was made by the learned counsel for the applicants that applicant Nos. 1 and 3 are said to be brother in laws of the main accused Devidas and the applicant No. 2 is the wife of applicant No. 1.

3. It appears that their relations were strained as the eldest sister of the prosecutrix was to be given in marriage to Devidas, but somehow the proposal did not materialize and the eldest sister said no to that marriage. Due to that Devidas had become angry and incident in question took place on 18.12.2014. In respect of incident dated 18.12.2014, the F.I.R. was given on 19.12.2014 and the crime came to be registered for the offences punishable under sections 363, 366(A), 34 etc. of I.P.C. and some sections of Protection of Children from Sexual Offences Act and Child Marriage Act.

4. Submissions made show that applicants are behind bars since 19.12.2014. In view of nature of allegations made by the prosecutrix against Devidas and present applicants and the record of medical examination, this Court holds that it is not desirable to keep the applicants behind bars till the disposal of

the case.

5. In the result, the application is allowed. The applicants are to be released on bail on their furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand) by each of them. They are not to tamper with the prosecution witnesses. They are not to commit similar offence. They are not to enter the village of prosecutrix namely Kutewadi Dhawalpuri and also Kalkup, Tahsil Parner, District Ahmednagar till the disposal of the case which may be filed against them.

[T.V. NALAWADE, J.]

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