

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.569 OF 2015**

Mr. Swapnil Balasaheb Shinde	Applicant.
Versus	
The State of Maharashtra	...Respondent.

**WITH
CRIMINAL BAIL APPLICATION NO.571 OF 2015**

1 Shri Balasaheb Kanhu Retwade	
2 Shri Kanhu Kisan Retwade	...Applicants
Versus	
The State of Maharashtra	...Respondent.

Mr. Prashant M. Patil advocate for the Applicant in both applications.
Mr. J.H.Ramugade, APP for the respondent-State in
Cri.Appln.No.569/2015.
Mrs. G.P.Mulekar, APP for the State in Cri. Appln.No.571 of 2015.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 27, 2015.

P.C.:

Both the applications are taken together and decided by common order as the applicants-accused are facing same charges of Sections 363 and 366A in the same C.R.No.42 of 2015 registered at Khed Police Station, Pune. The complaint was registered at the instance of information given by one Shivaji Maruti Wable on 10.2.2015. It is the case of the prosecution that the principal accused one Ashok kidnapped

his daughter, who was to appear for 12th standard examination on 10.2.2015. The principal accused no.1 Ashok kidnapped prosecutrix, who was 16 years and 9 months old out of the lawful custody of her guardian, i.e. the complainant with intention to have sexual intercourse and marry her. He took her to various places, stayed with her and subsequently, both were found together on 25.3.2015 and the accused no.1 Ashok was taken in custody. However, all the three accused in the present applications were taken in custody by the police in the same offence on 21.2.2015. Hence, this bail application.

The learned counsel for the applicants has submitted that the applicant-accused Swapnil is maternal cousin of the accused Ashok and the applicant Balasaheb is his brother and the applicant Kanhu is father of Balasaheb. He submitted that they have not played any active role in the kidnapping of prosecutrix. He submitted that the applicant-accused Kanhu is 65 years old and not concerned with the offence.

The learned prosecutors opposed the applications. Both of them relied on the statement of the father of prosecutrix and the statement of the prosecutrix wherein she has stated about the role played by all the three applicant-accused. The learned prosecutor further submitted that the prosecutrix was minor and, therefore, offence is serious.

Perused the statement of the prosecutrix. So also statements

of the other witnesses. Applicants-accused as per the case of the prosecution was taken forcibly by the accused no.1 on 10.2.2015 and thereafter she stayed with the accused no.1 at various places till 25.3.2015. Date of birth of the prosecutrix is 24.4.1998 and thus, is minor. However, though she was minor, she is 16 years and 9 months old. Thus, she was of the age of understanding. Moreover, role attributed to the applicants-accused are not of much incriminating or prima-facie disclosing the intention. Considering this, bail is granted to all the three accused on the following conditions:

- i) All the three applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;
- ii) The applicants-accused shall not contact prosecutrix or any witness and shall not pressurize and shall co-operate with the police in the investigation.

(MRS.MRIDULA BHATKAR, J.)