

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 638 OF 2015

Prashant Navinchand Jain. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. E.B. Dixit i/b. Ms. Sudha Dwivedi, advocate for Applicant.

Mr. B.G. Tanksali, advocate for intervenor.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 10, 2015

P.C.:

1 Heard the learned Counsel for the applicant, the learned Counsel for the intervenor and the learned APP for State.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 157 of 2015 registered at Kankiya Police Station, Mira Road for offence punishable under Section 363, 366 of the Indian Penal Code.

3 It is the case of the prosecution that on 15/4/2015 one Renu Gulshan Madiwal, mother of two daughters lodged a report at the police station alleging therein that her both daughters are working in ladies bar. According to her, household expenses and all other expenses of the family are borne out by the daughters of the complainant. According to the complainant, on 7/4/2015 her younger daughter who according to her is minor, left her house and did not return home. She had enquired about her at all places but she could not be found. According to her, her younger daughter was on friendly terms with the present applicant for four months prior to lodging of the report. According to the complainant, present applicant had abducted her minor daughter. According to the complainant, her daughter is about 14 years and 2 month. On the basis of her report, the law was set into motion.

4 It had transpired in the course of investigation that the date of birth of the second daughter of the complainant is 1/1/1999. The

pan card of the younger girl shows that her year of birth is 1995. The investigating officer had recorded statement of the alleged victim girl on 13th May, 2015. She has specifically stated before the police that on 6th April, 2015 she has got married to the applicant in Arya Samaj Mandir at V.P. Road. She has specifically stated that she had withdrawn herself from the lawful custody of her mother voluntarily and that she was not coerced by the applicant to leave the house. At the time of marriage she has given her Adhar Card and Pan Card to show that she is of a marriageable age. She has specifically stated that her maternal uncle had prepared her Pan Card.

5 Taking into consideration the fact that the victim girl had withdrawn herself from the lawful custody of her mother voluntarily and she is still residing with the applicant on her own will, the applicant has made out a prima facie case for grant of pre-arrest bail.

6 The observations made hereinabove are prima facie in nature. The same shall not be considered at the time of hearing the

application for discharge or quashing of FIR or at the time of trial.

The concerned Court shall decide the matter on its own merits.

7 Hence following order is passed:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 157/2015 registered at Kankiya Police Station, Mira Road, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

(iii) The applicant shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)