

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1283 OF 2015

1. Rajaram Dnyandev Kadam	
2. Sangita Maruti Bilaskar	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Chetan G. Patil, Advocate for the applicants.

Mrs. Veera Shinde, APP for the respondent/State.

I.O. Mr. Sarjerao Mohan Patil, A.S.I., Rahuwadi Police Station, District Kolhapur.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 17, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 363, 366(A) of the Indian Penal Code in C.R. No. 62 of 2015 at Shahuwadi Police Station, District Kolhapur. The offence was registered at the instance of father of the prosecutrix on 1st June, 2015.

2. It is the case of the prosecution that minor daughter of the complainant, whose date of birth is 22nd June, 1999, ran away on 28th May, 2015 and as she did not return, the father lodged complaint of kidnapping against unknown persons. Pursuant to this complaint after investigation, the police registered an offence against one Pradip Rajaram Kadam, who is a principal accused and with whom, as per the case of the prosecution, the victim ran away on 1st June, 2015. During the course of the

investigation, the Investigating Officer found that applicant no. 1, father of principal accused Pradip Kadam and applicant no. 2, maternal aunt of Pradip Kadam have conspired and encouraged the relationship between Pradip and victim girl and facilitated kidnapping, so these two persons are made accused. Both the applicants/accused were taken in custody on 12th June, 2015. Hence this Bail Application.

3. The learned counsel for the applicants submitted that the applicants/accused are not concerned with the act or offence committed by Pradip Kadam. Applicant no. 1, who is father of Pradip, is not aware of the relationship of his son with prosecutrix and same is the case of applicant no. 2. He submitted that last 60 days both the applicants/accused are inside the prison. Hence, he prays for bail.

4. Learned APP opposed the Application. She submitted that as per the supplementary statement of the victim's father, the victim and principal accused Pradip used to meet in the house of applicant no. 2 and the applicants had knowledge of their relationship and they facilitated Pradip and prosecutrix to ran away from the lawful guardianship of the complainant, therefore, these two persons are made accused. She further submitted that Pradip is absconding and the victim is missing and they are not found till today.

5. Perused the complaint, order passed by the learned Sessions Judge rejecting the Bail applications of these two accused. From the case of the prosecution, I am unable to understand what role is played by these applicants/accused and what type of conspiracy was hatched by the applicants/accused along with principal accused. Till today, it appears that there is no investigation to that effect disclosing the direct involvement of the applicants/accused in kidnapping or conspiracy to kidnap. The applicants/accused are kept behind the bars since last 60 days. *Prima facie* I am of the view that it is a fit case to grant bail. Hence, , I am inclined to grant bail to the applicants/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) The applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount;
- iii) The applicants shall not tamper with the evidence and shall not pressurize the complainant and his family members.
- iv) The applicants shall not help the principal accused in any manner.
- v) The applicants shall attend on all the Court dates.
- vi) In the event the applicants/accused change their address, they shall furnish all the details thereof including contact numbers to

the Investigating Officer.

vii) The applicants shall not leave India without prior permission of the Court;

viii) Breach of any of the conditions shall amount to cancellation of bail forthwith.

6. Parties to act upon an authenticated copy of this order.

7. Bail Application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)