

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1851 OF 2014

1. Udayram Guharam Banjare @ Uday KatkarApplicants
2. Pooja Udayram Banjare

V/s.

The State of MaharashtraRespondent

Mr. Vishal L. Kolekar for Applicant

Mr. J. H. Ramugade APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 5, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. At the outset, learned counsel for the applicants, upon instructions, seeks liberty to withdraw the application, as far as applicant no. 1 is concerned. Hence, application filed by the applicant no. 1 is rejected as withdrawn. Applicant no. 2 is arrested on 27/02/2014 in crime no. 43/2014 registered at Dehuroad Police Station for offence punishable under sections 363, 365, 368 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that on 25/02/2014, Nebulal Madheshiya lodged a report at the police station that applicants herein are residing as their neighbours. That children of present applicants used to play with his daughter. On 23/02/2014, applicants had requested complainant to allow them to take them his daughter Supriya along with them, just for a joy ride. Complainant had sent his four years old daughter Supriya along with them. Thereafter, applicant no. 1 is alleged to have made a phone call to the complainant and informed him that they would return on the next day. On 25/02/2014, applicant no. 1 informed the complainant that he should not expect the return of his daughter Supriya. Applicant no. 1 had gone home, but had not brought Supriya along with him. It is alleged that applicant no. 1 had demanded amount of Rs. 2,00,000/- for return of daughter of the complainant.

3) In view of this, applicant no. 1 does not deserve grant of bail. However, applicant no. 2, being a woman, deserves protection under the proviso to section 437 of Code of Criminal Procedure, 1973, moreover, investigation is completed and charge-sheet is filed. Hence, applicant no. 2 deserves to be granted bail.

ORDER

- (i) Application of applicant no. 1 is rejected and disposed of as withdrawn.
- (ii) Applicant no. 2 be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- and one or two solvent sureties in the like amount.
- (iii) Applicant no. 2 shall report to the concerned police station on every Sunday between 10.00 am to 12.00 noon, till the conclusion of trial.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)