

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1934 OF 2015

Sandip Gulabrao Khamgal & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Prashant S. Hagare for the Applicants.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 27th NOVEMBER, 2015.

P. C. :

This is a bail application filed by the aforesaid Applicants in Special Case No.66 of 2015 pending on the file of the learned Additional Sessions Judge, Baramati, arising out of C.R. No.170 of 2015 registered with Indapur Police Station, Pune, for the offences punishable under sections 363, 366 A r/w. 34 of the IPC.

2. Heard the learned counsel for the Applicants and the learned APP for the Respondent -State.

3. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The records prima facie reveal that one Smt. Tai Gulab Misal had lodged a complaint stating that her minor daughter had left the house in the morning at 8.30 a.m. and that she had not returned home. She suspected that the Applicant No.1 and others had kidnapped her under the pretext of marriage and by taking advantage of the fact that she was belonging to scheduled caste community.

5. Based on the said complaint Crime No.170 of 2015 came to be registered. The victim girl was subsequently traced. The records prima facie reveal that she was 17 years and 9 months of age. Her statement prima facie reveals that the Applicant No.1 was known to her and that she had developed friendly relations with the Applicant No.1. She further stated that on 7.6.2015 the Applicant No.1 had called her near the water tank. He had made her sit in one car. Other Applicants were also present in the car, which proceeded towards Sarati. Tyre of the said car burst and they were unable to proceed further. Thereafter the villagers brought her back to the police station.

6. Though the material on record indicates that the victim was minor, she was on the verge of attaining majority. Her statement shows that the Applicant No.1 was known to her. The material on

record prima facie reveals that the victim had herself accompanied the Applicant No.1 and others. The Applicants are in custody since June, 2015. Charge-sheet has been filed. Presence of the Applicants is no longer required in the custody.

7. Under the circumstances, the application for bail is allowed on the following terms and conditions :

(i) The Applicants are ordered to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Baramati.

(ii) The Applicants shall not interfere with the victim or tamper with the evidence in any manner.

(iii) The Applicants shall attend concerned sessions court on each date of the hearing.

(ANUJA PRABHUDESSAI, J.)