

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1480 OF 2015

Hanumant Somnath Bengare .Applicant

v/s.

The State of Maharashtra .Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1422 OF 2015

Sau. Kusum Machindra Bengare .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.R.A.Zade, Advocate, for the Applicants in
both matters

Ms Veera Shinde, APP, for the Respondent – State
in ABA No.1480 of 2015

Mr.S.H.Yadav, APP, for the Respondent – State in
ABA No.1422 of 2015

CORAM : REVATI MOHITE DERE, J.

DATE : 08.10.2015

P.C.

. Heard learned counsel for the
applicants and the learned APPs for the
respondent – State.

2. By these applications, the applicants seek pre-arrest bail in connection with C.R.No. 250 of 2015 registered with the Baramati Taluka Police Station, Pune(Rural), for the alleged offences punishable under Sections 363, 366, 376 r/w.34 of the Indian Penal Code and under Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act (POCSO).

3. The applicant in ABA No.1422 of 2015 is the maternal aunt of the complainant and as such the grand-mother of the victim-girl/prosecutrix. It appears from the complaint which is lodged by the father of the prosecutrix that on 28.07.2015, his daughter aged 16 years was kidnapped by one Amol Baban Bengare. Pursuant to the same, an FIR was lodged by the father of the prosecutrix on 30.07.2015. During investigation, it appears to have been revealed that the applicant in ABA No.1422 of 2015 instigated the

prosecutrix to marry the co-accused Amol Bengare and gave a sum of Rs.5,000/- to her to enable her to run away with Amol Bengare and get married. As far as the applicant in ABA No.1480 of 2015 is concerned i.e. Hanumant Bengare, the allegation is that he gave a key of the motor cycle to the co-accused Amol Bengare to run away with the prosecutrix.

4. Learned counsel for the applicants submits that the names of both the applicants have not been disclosed in the FIR. He submits that only subsequently their names have appeared and the aforesaid allegations have been made by the prosecution as against them. He submitted that as far as the applicant in ABA No.1422 of 2015 is concerned, she is suffering from Cancer and is undergoing treatment.

5. Learned APP does not dispute that the only allegation as against Sau. Kusum is that she instigated the prosecutrix to marry the co-accused Amol Bengare and gave a sum of Rs.5,000/- to her to enable her to run away with the Amol Bengare and get married and that the only allegation against Hanumant is that he gave a key of the motor cycle to the co-accused Amol Bengare to run away with the prosecutrix.

6. Considering the aforesaid and the nature of allegations, the applicants are granted pre-arrest bail on the following terms & conditions:

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount.

7. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to these applications and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)