

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

CRIMINAL BAIL APPLICATION NO. 1990 OF 2015

Nikhil Ashok Pawar

..Applicant

v/s.

The State of Maharashtra.

..Respondents

Mr. Priyal G. Sarda for the Applicant

Mr. Y.M.Nakhwa, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 24, 2015.**

P.C.

1. This bail application is filed by the aforesaid applicant who is facing trial in Special Child Case No. 26 of 2015 pending before the Sessions Court, Pune for the offence under Section 363, 366, 376 of I.P.C. and Section 4 and 8 of POSCO Act.

2. Heard learned counsel for the applicant and the learned APP for the State. I have considered the submissions advanced by the learned Counsel for the respective parties, and perused the records.

The records prima facie reveal that the father of the victim had lodged a complaint that on 2.5.2015 his daughter had gone missing from the house. He suspected that the applicant had kidnapped his minor daughter under the promise of marriage.

3. The statement of the victim prima facie reveals that on 4.5.2015 she had herself called the applicant herein and told him to take her along with him, failing which she had threatened to commit suicide. Thereafter, the applicant took her to Ghatkoper and stayed in the room of one Nikhil and thereafter proceeded to Junnar. One Shri Vinod Shenkar took her to her house and her father along with Vinod Shenkar and Vilas Talekar took her to the police station. The statement of the victim reveals that she was in love with the applicant since 2 years before the incident and that she had eloped with him previously on two occasions. The birth certificate reveals that the victim was over 16 years of age. Though the victim was a minor, she was on the verge of attaining majority. Furthermore, her statement reveals that she had herself called the applicant and compelled him to take her along with him under the threat of

committing suicide. The applicant himself is a young boy of 21 years of age and is a student of I.T.I. He is in custody since 20.5.2015.

4. Considering the above factors and also the age of the applicant, in my considered view, it would not be in the interest of the applicant to keep the applicant in the company of the hardened criminals. In the circumstances, the bail application is allowed on the following terms.

- i) The applicant is ordered to be released on bail, on the applicant furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the Sessions Court, Khed.
- ii) The applicant shall not leave Pune District without prior permission of the Sessions Court, Khed.

(ANUJA PRABHUDESSAI, J.)