

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

ANTICIPATORY BAIL APPLICATION NO.1697 OF 2015

Anna Bira Dhone	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Amol A Deshpande, Adv. for applicant.
Y M Nakhawa, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 30th November, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.257 of 2015 registered at Pandharpur P S, for the offences punishable under Sections 363, 366, 376 504, 506 of IPC r/w. 11, 16 & 17 of POCSO Act.

2. Heard the learned counsel Mr. Deshpande for the applicant and the learned APP for the State. I have perused the FIR and considered the submissions advanced by the learned counsel for the respective parties.

3. The records prima facie reveal that the mother of the victim had lodged complaint alleging that her sister-in-law Kamal had turned down the proposal of marriage of her daughter with Tanaji the son of Kamal. She, therefore, fixed the marriage of her daughter (victim) with another person by name Bhau Balu Gawde. The complainant had alleged that on 5th September, 2015 at about 8.30

pm her sister-in-law along with the applicant and others kidnapped her daughter who was 15 years of age. Based upon the said FIR the aforesaid crime came to registered.

4. The statement of the victim prima facie reveals that on 5th September, 2015, the applicant and others had forcibly taken her to the house of one Bandu at Pandharpur, village Ghose, Tal Pandharpur. She has stated that on 6th September, 2015 she had gone to the paddy field along with Tanaji, Bandu and his family members sometime thereafter Bandu and his family members left the field. She stayed back with Tanaji. She has alleged that said Tanaji took her to the fields and had sexual intercourse with her.

5. The records prima facie reveal that the co-accused Tanaji who has alleged to have committed raped is already released on bail. The allegations levelled against the applicant are not grave. The nature of the allegations levelled against the applicant do not warrant custodial interrogation. The applicant is a permanent residents of Solapur and there are no chances of his absconding or fleeing away from justice.

6. Under the circumstances and in view of the discussion supra, the application is allowed on following terms:

1. In the event of arrest of the Applicant in Crime No. 257 of 2015 registered at Pandharpur P S, for the offences punishable under Sections 363, 366, 376 504, 506 of IPC r/w. 11, 16 & 17 of POCSO Act the applicant be released on bail bond of

Rs.15,000/(Rupees Fifteen Thousand Only) each with one or two sureties in the like amount to the satisfaction of the learned Sessions Judge, Pandharpur.

2. The applicant shall report to the investigating officer for 7 days and further as and when required by the investigating officer for the purpose of the interrogation.

(ANUJA PRABHUDESSAI, J.)