

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1008 OF 2016

Uttam s/o Vasant Rao Khadwe,
Age 23 years, Occu. Labour,
R/o Indira Nagar, Ajintha,
Taluka Sillod, Dist. Aurangabad

..Applicant

Versus

The State of Maharashtra through
the Police Station Officer,
Ajintha Police Station, Ajintha,
District Aurangabad

..Respondent

Mr S.D. Tawshikar, Advocate for applicant
Mr A.S. Shinde, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 1st March 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.32 of 2015, registered on 20th February 2015 at Ajintha Police Station, District Aurangabad, for the offences punishable under Sections 363, 366-A of Indian Penal Code.

3. It is claimed that the crime in question took place between 19th February 2015 and 20th February 2015 when the present applicant has taken away the daughter of complainant, Shaikh Kalim Shaikh Mohammad, and married with her.

4. It is claimed by the prosecution that on the date of incident, i.e. 20th February 2016, the daughter of complainant namely Tabassum was minor, as her date of birth was 20th October 1997.

5. In the above background, while trying to make out the case for grant of pre-arrest bail, learned Counsel for the applicant would urge that the victim Tabassum is married wife of applicant and has given an affidavit stating that she has volunteered to do so. He would then submit that the record depicts that the victim Tabassum was married to applicant and the marriage certificate to that effect is issued on 21st December 2015 stating the date of marriage as 29th December 2015.

6. In the above background, in my opinion, though the application is strenuously opposed by learned A.P.P. on the ground that when Tabssum was removed from the complainant's custody, she was minor, the custodial interrogation of applicant is necessary.

7. In the above background and looking to the happening of events, in my opinion, it will be appropriate to grant pre-arrest bail to the applicant.

8. As such, Criminal Application stands allowed. In the event of arrest in Crime No. 32 of 2015, registered on 20th February 2015 at Ajintha Police Station, District Aurangabad, for the offences punishable under Sections 363, 366-A of Indian Penal Code, the applicant be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(N.W. SAMBRE, J.)