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

CRIMINAL APPLICATION NO.3653 OF 2016

Swapnil Somnath Kadnar ..APPLICANT

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

**WITH
CRIMINAL APPLICATION NO.3727 OF 2016**

Dattatrya Ramchandra Kadnar ..APPLICANT

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr R.K. Temkar, Advocate for applicants;
Mr S.J. Salgare, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 3rd August, 2016

ORAL ORDER :

Heard.

2. By these applications under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.I-90 of 2016, registered with Sangamner Taluka police station, Tq. Sangamner, Dist. Ahmednagar, for offences punishable under sections 452, 354, 326, 506, 323 of the Indian Penal Code and under sections 7 and 8 of the Protection of Children from Sexual Offences Act.

3. The complainant Maya Kadnar is the sister of the applicants. The father of complainant Maya, namely, Bhausahab and accused Paraji are the step brothers.

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4. It is the prosecution case that Maya claimed that her modesty was outraged by both the applicants and her mother was also assaulted, resulting into registration of the aforesaid crime.

5. Perused the contents of the first information report.

6. Applicant Swapnil has come out with a plea of *alibi* and relies upon CCTV footage in a hotel while travelling from Pune to his native place, demonstrating that he was not present on the spot at the time of the incident. During investigation, the said claim of applicant Swapnil was found to be correct.

7. In view of above, it could easily be inferred that accused Swapnil was implicated falsely in the crime in question.

8. So far as applicant Dattatraya is concerned, the probability of the offence alleged against him, particularly in the background of narrations in the first information report it is evident that there are family differences between family of Piraji and Bhausahab. It is also to be noted that the narrations in the first information do not repose any confidence, particularly of commission of offence punishable under section 354 of the Indian Penal Code.

9. In the above background, in my opinion, case for grant of pre-arrest bail is made out in both the applications. One more aspect of which this Court must take note is registration of N.C. No.466 of 2016 at the behest of complainant Bhausahab, who is already released on bail. Thus, I pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-90 of 2016, registered with Sangamner Taluka police station, Tq. Sangamner, Dist. Ahmednagar, for offences punishable under sections

(3)

452, 354, 326, 506, 323 of the Indian Penal Code and under sections 7 and 8 of the Protection of Children from Sexual Offences Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially on 8th and 9th August, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj