

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

Criminal Application No. 5267 of 2016

District : Nanded

Ganesh s/o. Subhashrao More,
Age : 20 years,
Occupation : Labour,
R/o. Sonkhed, Taluka : Loha,
District : Nanded.

.. Applicant.

versus

The State of Maharashtra,
Through Sonkhed Police Station,
Taluka : Loha,
District : Nanded.

.. Respondent.

.....

Mr. G.R. Syed, Advocate, for the applicant.

*Mr. S.J. Salgare, Addl. Public Prosecutor, for
the respondent.*

.....

CORAM : A.M. BADAR, J.

DATE : 14TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 55/2016 registered with Police Station, Sonkhed, Taluka Loha, District Nanded, for offences punishable under Sections 363 and 366A of the Indian Penal Code, by this application, is seeking his release on bail.

2. Heard the learned Counsel appearing for the

applicant / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor opposed the application by arguing that the applicant had kidnapped minor female from out of lawful custody of his father and therefore the applicant is not entitled for bail.

4. Perused papers of investigation. Offences alleged are punishable under Section 363 of the IPC as well as 366A of the IPC. Perusal of statement of the victim girl does not show that she was kidnapped for the purpose of forcing or seducing her to have sexual intercourse with other persons. It is seen that the applicant as well as the minor female eloped from the house on 18.08.2016 and then they both returned on 23.08.2016. The minor female in her statement has disclosed her age to be 17½ years. She has not alleged any other overt act against the present applicant.

5. *Prima facie* it is seen that the necessary investigation is over and therefore the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be

released on bail on his executing P.R. Bond in the sum of Rs. 20,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant / accused shall abide by the following directives :-

(i) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(ii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet against him.

(iii) The applicant shall not repeat commission of similar type of offences in future.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

.....