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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.574 OF 2016

Mr. Hiaider @ Bablu Dilip Pardeshi	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Anand S. Shalgaonkar, i/by Mayur Salunke, for
the Applicant.
Mr. Arfan Sait, APP for the Respondent State.
Mr. S.V.Jadhav -PSI Wanwadi Police Station, Pune.

CORAM : A. M. BADAR, J.

DATE : 12th JULY, 2016.

P.C. :

1. The applicant/accused, in crime No.131 of 2015, for the offence punishable under Section 363, 366(A), 109 of the Indian Penal Code, registered with Wanwadi Police Station, Pune, by this application is seeking his release on bail.
2. Heard the learned counsel for the applicant/accused. He argued that the alleged victim herself joined the company of the present applicant and as such no offence under Section 363, 366A and 109 of the Indian Penal Code is made out. Therefore, according to learned counsel for the applicant, applicant is entitled for bail.

3. The learned APP opposed the application by pointing that considering checkered history of crimes committed by applicant that he was externed from the area where the offence in question took place, the applicant is not entitled for bail.

4. Perused the chargesheet. The informant is father of the victim minor girl. He reported that on 23.5.2015, his minor daughter went missing from his house. The informant pointed finger to the applicant/accused. Ultimately victim girl was found and her statement reveals that by putting her in fear she was kidnapped by the present applicant. The victim girl further stated that she was kept in a flat at Wanwadi for two days and thereafter the mother of present applicant secured her release.

6. While granting bail, one consideration which is required to be kept in mind that assurance that during the pendency of the trial, applicant will not tamper prosecution evidence and that he will not commit any offence in future. Police report submitted by the learned APP shows that in all four offences apart from crime in question are registered against present applicant right from the year 2013. Applicant/accused is facing trial for the offence punishable under Section 307, 392 of IPC. To crown this all, it is seen that by an order dated 16.2.2015, applicant/accused was externed for a period of two years from Pune. However, it appears that the

applicant/accused has committed this offence in breach of externment order. In this fact situation the apprehension of the learned APP that if released on bail, applicant/accused will misuse his liberty cannot be said to be unreasonable. Hence the application is rejected.

[A. M. BADAR, J.]