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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.595 OF 2016**

Balasaheb Mahadeo Budhawale

...Applicant

Versus

The State of Maharashtra

...Respondent

None for the Applicant

Mr.Arfan Sait, A.P.P for the Respondent-State

API – B.S.Birajdar, Sangola Police Station, Solapur Rural.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th APRIL, 2016

P.C. :

1. Heard learned APP.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 109 of 2016 registered with the Sangola Police Station, Solapur Rural, for the alleged offences punishable under Sections 363, 366 r/w 34 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3. According to the complainant - Subhash J. Bodare, his niece was kidnapped on 12th February, 2016, pursuant to which she lodged the

aforesaid complaint on 16th February, 2016.

4. Learned Counsel for the applicant submits that there is a delay of 4 days in lodging the complaint. He submitted that as the victim girl, was being compelled to marry an aged person, she ran away with the applicant's son. He submitted that there are no allegations that any of the applicants misbehaved with her or committed any sexual assault on her.

5. Learned APP submitted that although there are no allegations of sexual assault as against the applicant, the victim was compelled to go to various places only with an intention of defaming her and with an object of getting her married with the nephew of the applicant.

6. Perused the statement of the victim girl. The said statement does not show that the applicant and his son committed any sexual assault on her. Although, in the said statement, the victim girl has stated that she was compelled by the applicant and his son to go to Mumbai against her wishes, her statement also shows that after the applicant and his son learnt that a complaint was registered as against them, the victim girl was dropped

back at Sangola, Solapur.

7. Considering the aforesaid facts, the custody of the applicant is not required. Accordingly, the applicant is granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police on every Saturday, between 10.00 a.m. to 11.00 a.m., till the filing of the charge sheet ;

(iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.