

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1105 OF 2016

1. Lala Bhagwan Chande and 9 others ... Applicants.

V/s.

The State of Maharashtra ... Respondent.

Ms. Savita A. Prabhune, Advocate for the Applicants.

Mr. Deepak Thakery, A.P.P. for the Respondent- State.

CORAM : A. M. BADAR, J.

DATE : 01st JULY, 2016

P.C. :

1 Applicants/accused in Crime No. 147 of 2016 for the offences punishable under sections 143, 147, 148, 323, 363, 504, 506 of the Indian Penal Code and under sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012, registered with Baramati City Police Station, Dist. Pune, by this application under section 438 of the Criminal Procedure Code, are praying for releasing them on bail in the event of their arrest in connection with the said crime.

2 Heard the learned counsel appearing for Applicants /accused. She argued that perusal of the FIR does show that no weapon was used by any of the applicants/accused and it was the prosecutrix party, who came to the house of the

present applicants. Therefore, question of forming an unlawful assembly by present applicants/accused does not arise. Learned counsel for the applicants further argued that no role is attributed to the present applicants so far as alleged kidnapping of the minor girl is concerned. She further argued that one of the members from the family of the accused persons committed suicide and thereafter, the informant had submitted an affidavit before the Executive Magistrate, withdrawing the allegations against all the accused persons.

3 Perused the FIR. It is seen that the minor daughter of the informant was kidnapped by the accused persons. The FIR avers that the present applicants had abated the act of main accused-Dhiraj. It is averred that when the informant and family members of the victims had been to the house of the present applicant/accused for inquiring about the missing minor girl, all the applicants and other co-accused persons had assaulted them by means of fists and kick blows. The FIR revealed that at the time of lodging of FIR, the victim girl was not found.

4 Perused the order passed by the learned Additional Sessions Judge, rejecting the application of the applicants for anticipatory bail. It appears that the missing girl was subsequently subjected to rape by the accused persons. The learned Additional Sessions Judge further found that

tampering of evidence of the prosecution started since inception. Learned Additional Sessions Judge has noted that the informant has sworn an affidavit, withdrawing the allegations against some of the accused persons.

5 No case for anticipatory bail is made out in view of averments in the F.I.R. against applicants. In the result, the anticipatory bail application is rejected.

(A. M. BADAR, J.)

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