

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1346 OF 2016

Mahesh Sunil Panire	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Sachin Pinjari for the applicant.

Mrs.Veera Shinde, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 8TH AUGUST, 2016

P.C. :-

1. The applicant / accused in Crime No.37/2016 for the offences punishable under section 376, 366, 366(A), 376 (2)(j)(n) read with 34 of the Indian Penal Code and under sections 3, 4, 5 (I), 6, 11 (4) and 12 of the Protection of Children from Sexual Offences Act, 2012 registered with Kurlap Police Station, District Sangli is praying for releasing him on bail after filing of the charge-sheet.

2. Heard the learned counsel appearing for the applicant / accused. He argued that the role attributed to the

present applicant is only of aiding the main accused Mahesh Patil in kidnapping the female victim child. According to the prosecution case, motor cycle of the present applicant was used by accused Mahesh Patil for kidnapping the victim child.

3. As against this, the learned APP opposed the application by contending that the crime in question is serious and the present applicant apart from providing motor cycle to the main accused Mahesh Patil had also provided shelter to him so as to facilitate him to commit the crime in question.

4. Perused the charge-sheet. The F.I.R. lodged by Gulab Mubarak Bhaldar on 4th June, 2016 goes to show that in the night intervening 1st June, 2016 and 2nd June, 2016 his minor daughter, aged about 16 years went missing from his house. He found that on cell-phone which was in possession of the victim child in that night a mis-call came from another cell-phone. That cell-phone was with the main accused Mahesh Patil. Therefore, the informant suspected that Mahesh Patil must have kidnapped his minor female child.

5. Now, the investigation is over. The role attributed

to the present applicant Mahesh Sunil Panire is that of aiding main accused Mahesh Patil in kidnapping the female child victim and then providing shelter to Mahesh Patil.

6. There is nothing on record to apprehend that the applicant will not be available for the trial and that he will flee from the course of justice. Therefore, his pre-trial detention is not warranted. Hence the order:-

- (i) The application is allowed;
- (ii) The applicant / accused in Crime No.37/2016 for the offences punishable under section 376, 366, 366(A), 376 (2)(j)(n) read with 34 of the Indian Penal Code and under sections 3, 4, 5 (I), 6, 11 (4) and 12 of the Protection of Children from Sexual Offences Act, 2012 registered with Kurlap Police Station, District Sangli be released on bail on his executing P.R. bond in the sum of Rs.15,000/- with one or more surety in the like amount;
- (iii) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;

- (iv) The applicant / accused shall co-operate for expeditious disposal of the trial;
- (v) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (vi) The application is disposed of accordingly.

(A.M.BADAR, J.)