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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1589 OF 2016

Dadasaheb Sudhakar Shinde
and anr

.... Applicants

V/s.

The State of Maharashtra

.... Respondent

Mr. Umesh Mankapure, for the Applicant.
Ms. R. M. Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 10th AUGUST, 2016.

P.C. :

1. Heard the learned counsel for applicants/accused. He argued that the only allegations against present applicants are to the effect that they were present on the scene of occurrence and accompanied accused Datta Ingole and the victim child from Sangola to Pandharpur Bus Stand.
2. The learned APP opposed the application, by submitting that present applicants had taken part in kidnapping the child and then aiding main accused in the crime in question.
3. Perused the chargesheet. According to prosecution case, accused Datta Ingole after kidnapping minor female child had committed

rape on her. The minor child was with accused Datta Ingole from 22.3.2016 to 25.3.2016. The couple was apprehended by the police from a rented home at Bhokardan, Jalna.

4. The perusal of statement of victim child goes to show that on 22.3.2016, she came out of the school and at that time her neighbours i.e. present applicants and accused Datta Ingole came towards her. Datta Ingole expressed his feeling of love to the minor female child and expressed his desire to marry her. Then according to minor female child, accused Datta Ingole caught hold of her, put handkerchief on her face and kept her in four wheeler vehicle. She was then taken to Pandharpur. The minor female victim stated that during this journey, both applicants were present in the car.

5. The minor female victim also averred that on reaching Bhokardan, accused Datta Ingole had contacted both applicants telephonically.

6. Prima facie, it is seen that the role attributed to present applicants is only accompanying the informant in their journey from Sangola to Pandharpur. Because of this, no overtact is attributed to both applicants. Statement of female child does not show that she made any attempt to extricate herself from the clutches of accused Datta Ingole. In this view of the matter, after filing of the chargesheet, further pretrial

detention of applicants is not warranted and therefore, the following order.

Order

- I) The application is allowed.
- II) Applicants arrested in crime No.201 of 2016 registered with Sangola Police Station, District: Solapur, for the offence punishable under Sections 363, 366, 376(1) read with 34 of the Indian Penal Code, and under Section 8 and 12 of Protection of Child from Sexual offences Act, they be released on bail on their executing P.R. Bonds in the sum of Rs.15,000/- by each of them, and on their furnishing sureties in the like amount, by each of them.
- III) Applicants 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.
- IV) Applicants shall not tamper with the prosecution evidence in any manner and shall co-operate the learned trial Judge in expeditious disposal of the trial.

[A. M. BADAR, J.]