

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1781 OF 2016

Shri Nitin Tukaram Nikam	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Sanjiv Kadam i/b. Mr. Sushant S. Prabhune, Advocate for the applicant.
Mr. Y.M.Nakhwa, APP, for the State.

WITH
CRIMINAL BAIL APPLICATION NO. 1782 OF 2016

Shri Sandip Trimbak Jagdale		Applicant.
vs.		
The State of Maharashtra		Respondents

Mr. Sanjiv Kadam i/b. Mr. Suhant S. Prabhune, for the applicant.
Mr. Vinod Chate, APP, for the State.
Mr. Abhay B. Shelar, PSI, Akluj Police Station, Solapur (Rural) present.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 17th October, 2016.

P.C.

1. These are the applications under Section 439 of Cr.P.C. The applicants herein are arrested on 5.8.2016 in Crime No. 327 of 2016 registered at Akluj Police Station for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

2. It is the case of the prosecution that one Samir Shaikh had

lodged a report at the police station alleging therein that his daughter Muskan had left the house on 2.8.2016 for attending her classes and had not returned home. When they were searching for her, one of the friends of his daughter had informed the first informant that his daughter Muskan was in love with one Jaffer Shaikh. That they had eloped and that they are likely to get married. According to the enquiry, it was revealed that Jaffer Shaikh is also missing since 2.8.2016.

3. As far as the case of the applicants is concerned, it is the case of the prosecution that Sandip Jagaale, Jaffer Shaikh were working as drivers with one Mhatre. Jaffer Shaikh was on leave since 1.8.2016 on the ground that his uncle had expired and he wanted to attend his funeral. The wife of Sandip Jagdale had informed that they have to take certain passengers to Pune on 2.8.2016 and since then Sandip Jagdale had left the shop. On the very next day, Sandip Jagdale had returned with the vehicle. Upon enquiry, he had admitted that he had dropped Jaffer Shaikh and his girlfriend at Pune and that they were at Pune. He has also admitted that he had driven the car in which he had taken both of them to Pune.

4. As far as the applicant Nitin Nikam is concerned, it is the case of the prosecution that he had accompanied them to Pune and had dropped

them. It appears from the papers of investigation that the allegation against the applicant is that they had facilitated the elopement of Jaffer Shaikh with the daughter of the first informant. They are in custody for almost two months. The investigation is almost completed and charge-sheet is likely to be filed.

5. Taking into consideration the nature of allegations and the role attributed to the present applicants, they deserve to be enlarged on bail. However, it is made clear that the observations are prima facie in nature and are restricted to an application under Section 439 of Cr.P. and shall not be taken into consideration for the purpose of quashing of FIR, or discharge application or at the time of trial.

6. The principal accused Jaffer Shaikh has been arrested on 18.8.2016 and continues to be in custody. He shall not claim parity with the present applicants as he is also facing charges under the provisions of Protection of Children from Sexual Offences Act, 2012.

ORDER

(i) The applications are allowed.

(ii) The applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicants shall report to Akluj Police Station on every alternative Sunday between 10 a.m. to 12 noon till framing of charge.

Both the Applications stand disposed of.

(SMT.SADHANA S.JADHAV, J.)