

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2055 OF 2016

Shripati @ Baba Mahadev Kharat.	... Applicant.
Versus	
The State of Maharashtra & anr.	... Respondents.

Mr. Ujwal R. Agandsurve, advocate for applicant.

Ms. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : NOVEMBER 30, 2016.**

PC.

Not on board. Upon mentioning taken on board.

2 Heard the learned Counsel for the applicant and the learned APP
for State. Perused the papers.

3 This is an application under Section 438 of the Code of Criminal

Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 176 of 2013 registered at Vijapur Naka Police Station, Solapur for the offence punishable under Section 363, 366 read with Section 34 of the Indian Penal Code.

4 It is the case of the prosecution that on 6/6/2013 father of the respondent No. 2 lodged a report at the police station alleging therein that his daughter Swati was a minor. That she was abducted by the present applicant. It is also alleged that the sister of the present applicant had given them shelter.

5 Perused the papers of investigation. The applicant and the respondent No. 2 are present before the Court. In fact, the applicant has married to the respondent No. 2 and they are blessed with a daughter. The offence is registered in the year 2013. The first bail application filed by the applicant was rejected on 8/1/2014 by the

Sessions Court, Solapur. Subsequently, the applicant had again apprehended arrest and therefore, had filed a subsequent application seeking pre-arrest bail which was once again rejected on 20/10/2016.

6 In fact, the applicant and respondent No. 2 have got married at Alandi on 18th March, 2013. Perused the certificate issued by Joshi Mangal Karyalay. The age of the respondent No. 2 was shown as 19 years. In view of this, no case under section 363, 366 of the Indian Penal Code is made out against the applicant or any other accused. Hence, the applicant deserves to be granted relief under section 438 of the Code of Criminal Procedure, 1973.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 176 of 2013, the applicant be

enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more sureties in the like amount.

8 The application is disposed of accordingly.

The parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)