

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1096 OF 2017

Bharat s/o. Ramdas Kande

....Applicant

Versus

The State of Maharashtra

....Respondent.

Mr. S.S. Thombre, Advocate for applicant.

Mr. K.N. Lokhande, APP for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 20th March, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. It was submitted that after filing of the chargesheet, this is the first application filed for bail in this Court.

2. The crime is registered on the basis of report given by father of prosecutrix. The complainant has two daughters. One is aged about 20 years and other is aged about 17 years. They are residents of Mirwat, Tahsil Parli-Vaijnath, District Beed. He has made allegations that on 31.10.2016 when he, his wife and his two daughters were at Mirwat, they noticed in the noon that the two daughters were not present in the house. On inquiry, they realized that the present applicant had taken his

daughters away and probably by giving false promise of marriage.

3. The present applicant is resident of Jirawadi, Tahsil Parli-Vaijnath. There are statements of both the daughters. Statement of daughter, who is elder shows that she knew the present applicant and on her own, she had left the house of parents and she had taken her younger sister with her. She has not made allegations of use of force or deception against the present applicant. It appears that the younger daughter of the complainant has also given statement, but she was not in touch with the present applicant and she knew other boy. There is medical record which need not be considered as both the girls have not made allegations as per the record which is produced before this Court. The learned APP could show to this Court the record of allegations made by the younger sister but not against the applicant constituting the offence under section 376 of I.P.C.

4. As the present applicant is resident of different place and he is behind bars since 3.11.2016, this Court holds that subject to some conditions, bail can be granted to the present applicant.

5. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to enter the village Mirwat, Tahsil Parli-Vajnath till the decision of the case which is filed against him.

[T.V. NALAWADE, J.]

ssc/