

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

2 CRIMINAL APPLICATION NO. 1478 OF 2017

VITTHAL S/O. JAGANNATHRAO SATPUTE
VERSUS
THE STATE OF MAHARASHTRA

Shri. G.K. Naik-Thigle, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 11 April 2017

ORDER:

1) The application is filed for relief of anticipatory bail. It was submitted that this is the first application filed in this Court for the relief of anticipatory bail. Both the sides are heard. The papers of investigation are made available to this Court.

2) The crime is registered on the basis of report given by mother of the prosecutrix. The prosecutrix had completed 18 years at the relevant time. She was studying

in B. Com First Year in Peoples College, Nanded. One Nilesh was after her. In the past also one incident had taken place due to the conduct of Nilesh. On 17-1-2017 the prosecutrix left home saying that she was proceeding to college but she contacted mother from Nanded. The mother felt that the prosecutrix was frightened. The mother then contacted a friend of the prosecutrix and then said friend informed that the prosecutrix had not reached Nanded. Inquiry was made on 18-1-2017 and search was made but it was noticed that she had not reached the college and she had not reached Nanded.

3) Allegations are made that on 20-1-2017 accused Rama Chopde contacted the family of the prosecutrix and informed that the prosecutrix was in their custody. Threat was given to them not to approach police. Then report was given against Nilesh and others including present applicant. Allegation is made that he and others had conspired to kidnap and take away the prosecutrix and in the past Nilesh had made attempt virtually to sell the prosecutrix in Gujrat. Learned counsel for the applicant submitted that in the previous matter report

under section 169 of the Code of Criminal Procedure was filed by police. The learned counsel for the applicant submitted that regular bail is granted in favour of Nilesh by the learned Judicial Magistrate.

4) In the present matter, there is statement of the prosecutrix recorded under section 164 of the Code of Criminal Procedure and it shows that, she was forcibly taken away and present applicant was in the company of the main accused. Allegations are made that present applicant had given threats to her to give statement as per their version and so initially some statement supporting the accused was recorded by police. Before the Magistrate she contended that she was forcibly taken away. Thus the crime is register for offence punishable under sections 366, 34 of the Indian Penal Code. Present applicant is in politics. Use of his influence cannot be ruled out. There is allegation of the mother of the prosecutrix that ornaments worth more than Rs.1.25 lakh and cash amount of Rs.35,000/- were missing and probably that was taken away by the prosecutrix when she left the home. This is serious thing and those articles need

to be recovered. In view of the present version of the prosecutrix this Court holds that discretionary relief cannot be granted in favour of the present applicant. Custodial interrogation is a must. The learned counsel for the applicant submitted that regular bail is granted in favour of Nilesh by the learned Judicial Magistrate. This circumstance cannot help the present applicant in any way as the applicant is seeking relief of anticipatory bail and there are aforesaid things. In the result, the application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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