

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1235 OF 2017

1. Avinash Chandrakant Wabale .Applicants
2. Banti Madhukar Machale

Vs.

The State of Maharashtra .Respondent

Mr.R.A.Zade, Advocate, for the Applicants
Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No. 284 of 2017 registered with the Baramati Taluka Police Station, Pune, for the alleged offences punishable under Sections 363 & 366 of the Indian Penal Code and under Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the Applicants submits that the allegations as against the Applicants are false and baseless. He submits

that the Complainant's daughter aged 15 years, had gone on her own accord, as there was a love affair between her and Tushar alias Sangram.

4. Perused the statement of the Complainant's daughter, aged 15 years. She has stated that on 26.06.2017 at about 8.00 p.m., the lights in the village had gone off. She has stated that when she was behind her house, one car, with four persons came there. She has stated that the Applicant No.2 – Banti got down from the said vehicle, held her hand and asked her not to shout and forced her to sit in the car. According to the girl, the Applicant No.1 – Avinash was sitting at the driver's seat and that Ganesh and Tushar alias Sangram were sitting on the backseat. She has alleged that the Applicant No.2 – Avinash asked her, not to shout and that if she shouted, she would have to get married to Tushar alias Sangram. She has stated that when they reached Hadapsar, Sangram's friend Amit took them to a room. She has alleged that she and Sangram were left in the said room and that all the accused including the Applicants, left the said place. She has stated that after the accused including the Applicants left the said place, she and Sangram had dinner and that Amit and Sangram went to one hotel to sleep, and that she went to sleep with Amit's mother and sister. She has stated that on 28.06.2017 when she was in Amit's house, she read the 'Pudhari' news paper and

that it was written in the said news paper that some unknown persons had kidnapped her. She has stated that she disclosed to Chetana (Amit's sister), that Sangram and his friends had kidnapped her and that she wanted to go home. It appears that Sangram and Ganesh have been granted regular bail.

5. In the peculiar facts of this case and considering the role of the Applicants, the Applicants are granted interim protection on the following terms & conditions:-

ORDER

- (i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/- each** with one or two sureties in the like amount;
- (ii) The Applicants shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer;
- (iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicants to cooperate with the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)