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

BAIL APPLICATION NO. 2393 OF 2017

Prashant Anna Parade

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Tushar Sonawane for Applicant.

Mr. N.B. Patil, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 8th NOVEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 303 of 2017 dated 12.7.2017 registered with Akluj Police Station District- Solapur under Sections 363, 366, 452, 323 r/w 34 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act).

2] The first information report is lodged by Smt. Mainawati Ankush Chavan. The first informant is the aunt of Miss. Nikita M. Chavan. It is the prosecution case that, the father of Sanjay Parade (accused No.1)

had given a proposal of marriage of Sanjay with Miss. Nikita M. Chavan, daughter of sister of the first informant. As the said Miss. Nikita was minor, her parents and the first informant rejected the said proposal. That on 11.7.2017 at about 10.00 a.m the accused persons including the applicant committed criminal trespass in the house of the informant and abducted Miss. Nikita in a car. That the said Miss. Nikita was rescued from the custody of the accused persons by Mr. Mahesh Ingale and thereafter Miss Nikita returned her home at about 12.30 a.m. Of 12.7.2017. During the course of investigation, police have arrested the applicant on 2.8.2017 and since then he is in jail.

3] Perused the record of investigation. The record indicates that, with a view to help the accused No.1-Sanjay Parade, the applicant and other accused persons committed criminal trespass in the house of the first informant and abducted Miss. Nikita who was aged about 16 years at that relevant time. As stated earlier, the parents of the accused No.1-Sanjay Parade had given a proposal of marriage of Miss. Nikita with accused No.1-Sanjay Parade which was not materialized, it is therefore alleged that the accused persons committed the said offence with a view to perform marriage of accused No.1-Sanjay Parade with Miss. Nikita.

The record indicates that the present applicant has helped co-accused in commission of the present crime. Two co-accused namely Yogesh @ Sonu Popat Godse and Anant @ Bhayya Hanumant Parade have been released on bail by an Order dated 10.10.2017 passed by the learned Ad-hoc Additional Sessions Judge, Malshiras.

The record further indicates that the investigation of the present crime is practically completed. In view thereof and in view the fact that the aforesaid co-accused have been released on bail, this Court is of the view that further incarceration of the applicant is not necessary and the applicant can be released on bail.

Hence, the following Order:

- (i) The application is allowed.
- (ii) Applicant/Prashant Anna Parade be released on bail on his furnishing P.R. Bond of Rs.15,000/- and with one surety in the like amount.
- (iii) The applicant is directed not to contact informant, victim or any other prosecution witness or influence them with intention to tamper their evidence.
- (iv) Applicant is directed not to enter the jurisdiction of village Malinagar, Taluka-Malshiras, District- Solapur till the conclusion of trial.
- (v) Inform Police Station.

(A.S.GADKARI, J.)