

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

BAIL APPLICATION NO. 2507 OF 2017

Lahu Sonaba Jadhav

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Sachin Deokar for the Applicant.

Mr. Vinod Chate APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 10th NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 351 of 2017 dated 15.06.2017 registered with Karmala Police Station, District Solapur under Sections 376(2)(L), 366, 344, 368, 498(A) read with Section 34 of the Indian Penal Code.

2 The Applicant is the father-in-law of victim Rekha Digambar Jadhav.

It is the prosecution case that, victim Rakha Jadhav, aged about 22 years is a deaf and dumb person since birth and has learnt the special language from a special school at Solapur. That on 02.04.2016, the marriage between Rekha and Digambar was performed as per Hindu religion. It is the further prosecution's case that, Rekha informed her relatives that on 16.05.2017 other three accused persons abducted and kidnapped her in presence of Applicant and his wife and

thereafter, committed an act as contemplated under Section 376 of the Indian Penal Code by keeping her at isolated place. That Applicant being the father-in-law of victim, did not resist other accused persons from committing the act of abduction and kidnapping. During the course of investigation, the Applicant came to be arrested on 16.06.2017 and after completion of investigation, the police have submitted charge-sheet.

3 The victim in her statement recorded in presence of Smt. S.S. Eklare, an expert in language hearing and speech pertaining to persons suffering from deaf and dumbness, has stated that the Applicant also committed an act as contemplated under Section 376 of the Indian Penal Code with her. Prima facie it appears that, there are material inconsistencies between the statement of the first informant Ganesh Ghule and the victim Rekha.

4 Learned Counsel for the Applicant submitted that the said allegation qua the Applicant as contemplated under Section 376 of the Indian Penal Code is an exaggerated version as it is stated that wife of the Applicant also used to remain at house at relevant time and therefore, it is difficult to accept the said statement. I find substance in the said submission. If the said statement is kept aside from consideration, then what is alleged against the Applicant is that, on 16.05.2017 when other three accused persons kidnapped the victim Smt. Rekha, the Applicant did not resist the said act and has indirectly helped the other accused persons.

5 In view of the above, Applicant can be released on bail.

Hence, the following order:

i) The applicant be released on bail in C.R. No. 351 of 2017 dated 15.06.2017 registered with Karmala Police Station, District Solapur on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

ii) After his release from jail, the applicant shall attend Karmala Police Station once in month i.e. on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

iii) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)