

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

CRIMINAL BAIL APPLICATION NO.2640 OF 2017

Devdatt Abhimanu Wagh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. S.S. Aradhye for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 30th NOVEMBER 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in CR No.799 of 2017 registered with Mohol Police Station, Dist. Solapur under Sections 363, 366(A) read with Section 34 of the Indian Penal Code.

2. The first information report is lodged by Dnyaneshwar B. Shinde alleging that Accused No.1 Rahul had earlier proposed his daughter namely, Komal, who was aged about 17 years 6 months on the date of said proposal

and the said proposal was turned down by him. That, on 6.10.2017 Accused No.1 Rahul induced and lured Komal and eloped with her. It is alleged that the applicant and other family members have helped the said Rahul in kidnapping the said victim girl. In the premise, the first information report is lodged. During the course of investigation, the applicant is assaulted on 13.10.2017.

3. Perused the record.

4. It prima facie appears that the applicant being the elder brother of Rahul has been implicated in the present crime on the ground that he helped Rahul in kidnapping the victim girl. The record further indicates that Accused Abhimanyu i.e. father of Accused No.1 Rahul Wagh has been released by the Trial Court.

5. It is submitted that the present applicant was staying separately from his father, namely, Abhimanyu (father of Rahul Wagh) and has no direct concern with the said elopement of Rahul with Komal on 6.10.2017 except the fact that the applicant is elder brother of Rahul. After perusing record, *prima facie* I find substance in the said submission.

4. In view thereof, the applicant can be released on bail.

Hence, the following Order:

(I) The applicant be released on bail in CR No.799 of 2017 registered with Mohol Police Station, Dist. Solapur, on his furnishing PR Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned Police Station on every alternate Monday between 10.00 a.m. to 12.00 noon till filing of the charge sheet.

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)