

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2174 OF 2017***

1. Suhas @ Kamlakar Dhanu Chavan)	
2. Sudhakar Dhanu Chavan)	
3. Dhanu Nilappa Chavan)	...Applicants
Versus	
The State of Maharashtra	...Respondent

MS. Vrushali L. Maindad, for the applicants.

Mrs. Veera Shinde, APP, for the State.

Mr. K.B. Pawse, API, Kondhwa Police Station present.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 21st December, 2017.

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C. The applicants herein are apprehending their arrest in Crime No.184 of 2017 registered at Kondhwa Police Station for the offences punishable under Sections 363, 366A, 376(2)(J)(N), 506, 323 read with section 34 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant No.3 happens to be the father of original accused No.1 Amol and the applicant Nos.1 and 2

happen to be sons of applicant No.3. The applicants are public servants inasmuch as they are working as police personnel.

2. It is the case of the prosecution that on 21.5.2017, Amol had abducted the victim girl who happens to be the minor daughter of the first informant. It is alleged that she was forced to marry Amol. There is allegation that the present applicants had not only abetted Amol but also supported him after the girl was abducted. That Amol is arrested on 19.12.2017. Initially, the applicants had feigned ignorance about his whereabouts, however, now that he has been arrested, it cannot prima facie be said that the applicants have abetted the commission of the offence. In the facts of the case, the applicants deserve pre-arrest bail.

3. The observations are restricted to an application under Section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bonds in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicants shall co-operate with the investigating agency to the best of their capacity.

The Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)