

60- ABA 710 of 2018 aw APPP 534 of 2018
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 710 OF 2018

Anil Mahadev Gaikwad

...Applicant

Vs.

The State of Maharashtra

...Respondent

WITH
CRIMINAL APPLICATION No. 534 OF 2018
IN
ANTICIPATORY BAIL APPLICATION No.710 of 2018

Mr. Anil More

...Applicant

In the matter of

Anil Mahadev Gaikwad

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Viresh V. Purwant for Applicant

Ms. Gunjan Shah i/b. Mr. Kayval Shah for Applicant - APPP No. 534 of 2018

Mr. S.R. Agarkar -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: AUGUST 13, 2018

P.C.

1. Heard the learned counsel for the Applicant and the learned APP for

State.

2. This is an application under section 438 of Cr.P.C.

3. The Applicant herein is apprehending his arrest in Crime No. 103 of 2018 registered at Akluj Police Station for offences punishable under section 33 and 366 of the Indian Penal Code.

4. It is the case of the prosecution that on 8th March, 2018, Anil More lodged a report at the police station alleging therein that the Applicant herein is running a garage. That on 6th March, 2018, the complainant along with his wife, minor daughter and minor his son were returning from Village Gar Akole, the elder daughter and another younger daughter were at home and that he was informed by his neighbor that his youngest daughter Ms. 'X' crying and upon inquiry, he had learnt that someone had kidnapped his elder daughter. It was seen that she was accompanying accused Vishal Dhumal. The daughter could not be traced for two days and, therefore, a report was lodged against Vishal Dhumal. It is the case of the prosecution that the present Applicant had given the vehicle of the father of the victim to help Vishal to elope them.

5. The learned counsel for the Applicant has drawn attention of this Court to the ownership of vehicle, which shows that the complainant himself is the owner of the vehicle in which the daughter had kidnapped. It is submitted that

the role attributed to the Applicant and the role attributed to Vishal Dhumal are different. There is no offence against the Applicant in respect of kidnapping and abduction except the allegation that he had helped Vishal to elope with the elder daughter of the complainant.

6. In view of the aforesaid facts, the order dated 11th April, 2018 granting interim protection deserves to be confirmed on the same terms and conditions.

7. 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.

8. Hence, the following order is passed.

ORDER

(i) In the event of arrest of the Applicant in C.R. No. 103/2018 registered by Akulj Police Station, District Solapur, he shall be released on bail on his executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.

- (ii) Applicant shall attend Investigating Officer as and when called till adjourned date.

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

[SMT. SADHANA S. JADHAV, J.]