

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 92 OF 2018***

Balaso Somappa Chougule

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Madhukar Pandurang Dalvi, for the applicant.

Mrs. P.P.Shinde,APP, for the State.

Mr. N.M.Sarangkar, PI, Satara City Police Station.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 17th January, 2018.

P.C. :

1. Heard. This is an application under Section 438 of the Code of Criminal Procedure, 1973.
2. The applicant is apprehending his arrest in Crime No.563 of 2017 registered at Satara City Police Station, for the offences punishable under Sections 363 of the Indian Penal Code. It appears that subsequently Sections 366 and 376 of IPC were added and Sections 3, 4 and 17 of the Protection of Children from Sexual Offences Act.
3. It is the case of the prosecution that on 18.7.2017, Umesh

Pawar lodged a report at the police station alleging therein that his niece Gayatri had left the house in the morning under the pretext of going to college and had not returned home. According to the complainant, his niece Gayatri was kidnapped by some unknown persons. It appears from the records that the date of birth of Gayatri is 8.6.1999 and that on 18.7.2017, she was 17 years and 11 months of age. It appears from the record that Gayatri had left her house voluntarily and joined the company of Anand Pawar and got married to Anand Pawar.

4. As far as the present applicant is concerned, it is the case of the prosecution that the applicant had stood as a witness to a document which was notarized earlier. The victim was in the company of Anand Pawar. There is no material on record to indicate that the applicant had either kidnapped her or assisted them to get married. The applicant had only stood as a witness. The victim had attained the age of understanding and therefore custodial interrogation of the applicant is not necessary. Hence, the applicant deserves the grant of pre-arrest bail.

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on

furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(ii) The applicant shall report to the concerned police station as and when called.

The application is allowed and stands disposed of.

(SMT. SADHANA S.JADHAV, J.)