

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

ANTICIPATORY BAIL APPLICATION NO.1640 OF 2019

Akshay Natha Mote

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Vaibhav Gaikwad, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PSI Mr.A.B. Shinde, Shirur Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.318/19 registered with Shirur Police Station, Pune, under sections 363, 366(A) r/w 34 of the Indian Penal Code.

2. The FIR is lodged on 28/04/2019 by the father of the victim. The victim was 17 years and 6 months of age on the date of offence. She had left her house in the midnight between 26/04/2019 and 27/04/2019. It appears that the first informant made enquiries and he came to know that the victim was having

love affair with one Ketan Kailas Shitole. In the past also, Ketan Shitole was warned by the first informant to keep away from the victim. However, their love affair continued and both of them eloped. On this basis, the FIR is lodged.

3. Heard learned Counsel Mr.Vaibhav Gaikwad for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. Learned Counsel Mr.Gaikwad submitted that the allegations in the FIR are not against the present Applicant. He had nothing to do with the eloping of the couple. He submitted that police are still after him to find out the whereabouts of the couple.
5. Learned APP points out that in the past also the couple had eloped and at that time one affidavit was executed by the victim and Ketan. It was mentioned in the affidavit that they were getting married with each other's consent. On that affidavit, the present Applicant had signed as a witness. Besides this there are no allegations against him.

6. Considering the nature of offence, the allegations in the FIR and the role attributed to the present Applicant, it does not appear that the Applicant is involved in the victim and Ketan eloping. In this view of the matter, the Applicant can be protected by an order of anticipatory bail, though he will have to cooperate with the investigation and give all the information he has, in respect of this FIR. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.318/19 registered with Shirur Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)