

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 457 of 2019

Mayur Mhaske

Vs.

State of Mah. Through P.S. Amdapur Dist. Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. D.V. Sapkal, Advocate for applicant
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 2, 2019

The applicant herein has approached this Court for grant of bail in respect of offences registered against him under Sections 363, 366-A, 354-B of the Indian Penal Code as also Section 12 of the Protection of Children from the Sexual offences Act, 2012.

2. The FIR in the present case was registered on 21/02/2019, on the allegation that the applicant had kidnapped the daughter of the complainant herein. The applicant was arrested on 22/02/2019. According to the prosecution, the applicant gave promise of marriage to the daughter of the complainant and took her away. Considering the fact that the age of the daughter of the complainant was only about fifteen years four months, according to the prosecution, this

was serious offence for which the applicant does not deserve to be enlarged on bail.

3. The learned counsel appearing for the applicant has invited attention of this Court to the statement given by the daughter of the complainant, as also her supplementary statement. First statement was recorded on 23/02/2019, immediately after registration of FIR and arrest of the applicant, while supplementary statement was recorded on 13/04/2019. According to the learned counsel for the applicant, the contents of the said statement indicate that the victim in the present case had voluntarily joined the company of the applicant as they were in a relationship and they intended to marry. It is submitted that since there were no criminal antecedents of the applicant and the incident appears to have occurred following a relationship between the applicant and the victim, the applicant deserves to be enlarged on bail.

4. Heard learned counsel for rival parties and perused the material on record. The contents of the aforesaid statement made by the daughter of the complainant indeed indicates that the applicant and the daughter of the complainant were in a relationship with each other at least for a period of one year prior to the incident. It appears that the applicant and daughter of the complainant went away together

voluntarily in order to marry and to live together. In the statements given by the daughter of the complainant, there are no allegations of any forcible relationship sought to be established by the applicant with her. Considering these circumstances and also the fact that the investigation is complete and chargesheet has been filed on 22/04/2019, this Court is of the opinion that the present application can be allowed subject to certain conditions.

5. Accordingly, the application is allowed and the applicant is directed to be released on bail on following conditions.

- (a) The applicant shall furnish PR bond of Rs.25,000/- and surety in the like amount.
- (b) The applicant shall attend each and every date of proceedings before the Trial Court.
- (c) The applicant shall not influence the witnesses.

6. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE