

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

CRIMINAL BAIL APPLICATION NO. 2 OF 2020

Netaji @ Balasaheb J. Surawase

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

.....

Mr. Satyavrat Joshi i/b Jaydeep D. Mane, Advocate for Applicant.
Mr. S. H. Yadav, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 29th JANUARY 2020**

PC.

1 The Applicant is seeking bail in connection with C. R. No. 801 of 2019 registered with Mohol Police Station, Dist. Solapur for the offences punishable under Section 363, 366 read with 34 of the Indian Penal Code (for short "IPC"). The Applicant is arrested on 28th November 2019.

2 The Prosecution case is that, the complaint was lodged by Pandurang Pawane alleging that, on 23rd November 2019 his daughter (victim) aged about 21 years left the house without intimating any one. On search she could not be traced. Missing complaint was lodged with Mohol Police Station. The villagers told the complainant that his daughter was seen with accused Ganesh Suravase on motorcycle. They were going

towards Shetfal from the high way. He also saw Balasaheb Suravase (Applicant), Deepak Mastud accompanying the accused no.1 on motorcycle. Thus, Netaji @ Balasaheb Survase (Applicant) and Deepak Mastud had aided and abetted the co-accused in abducting his daughter.

3 In pursuant to the aforesaid FIR, the Applicant was arrested and he was produced before the Court for remand. After completion of police custody, he was remanded to the magisterial custody.

4 The Applicant has preferred an application for bail before the Sessions Judge, Solapur, which is rejected on 16th December 2019.

5 Learned Advocate for the Applicant submitted that, the Applicant is a Government servant and he is working as a clerk in school. He is a disabled person and he cannot walk. The copy of disablement certificate issued by Civil Surgeon, general hospital, Solapur is annexed to the Applicant. The victim has voluntarily accompanied accused no. 1. The Applicant has nothing to do with the love affair between the accused no. 1 and victim.

6 Learned APP submitted that, the investigation is still in progress. The victim could not be traced. The accused are the persons residing in same vicinity. The main accused is yet to be arrested. Whereabouts of main accused and victim are only within knowledge of Applicant.

7 The Applicant is in custody from 28th November 2019. Presently, he is in judicial custody. While he was in police custody, no incriminating evidence was collected against the Applicant. The victim has left the house without informing her family. Victim is a major lady aged about 21 years. The role assigned to the Applicant is that, he had accompanied accused no. 1 and the victim. He cannot be subjected to further detention. Considering the overt act attributed to him, case for grant of bail is made out.

ORDER

- i) Bail Application No.2 of 2020 is allowed;
- ii) The Applicant is directed to be released on bail in connection with C. R. No. 801 of 2019 registered with Mohol Police Station Dist. Solapur on furnishing P.R.

bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

- iii) The Applicant shall report concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 pm. till further order;
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)