

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1251 OF 2021

1. Krishna @ Babasaheb @ Babasha s/o ... **Applicants**
Ramdas @ Kadu Kamble,
Age 24 years, Occu: Labouer
R/o Gonegaon (Kuran Wasti) Tq. Newasa,
District Ahmednagr

2. Manoj @ Manya s/o Raghunath Khandagale
Age 23 years, Occu: Labouer
R/o Agar Kanadgaon, Tq. Gangapur,
District Aurangabad

VERSUS

1. The State of Maharashtra, ... **Respondents**
Through Police Station Incharge,
Newasa Police Station,
District Ahmednagar.

2. XYZ
Minor u/g of father Raju Sitaram Wagh,
Age 37 years, Occu: Agri.
R/o Gomalwadi Tq. Newasa,
District Ahmednagar

Mr. Dattatraya R. Markad, Advocate for the applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.
Mr. Saeed S. Shaikh, Advocate for respondent No.2.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th December, 2021

ORDER:

1. The FIR was registered on 17-03-2019 for the offences under sections 363 and 366-A of the IPC. The case of the prosecution is that the daughter of the complainant was minor at the time of incident. She

did not return home. Subsequently, it was revealed that she was enticed by accused No.1. She stayed with him. There was physical relationship between them. The role of the applicants is that they had assisted accused No.1 in kidnapping the victim. Accused No.1 was arrested on 24-06-2021. The statement of the victim was recorded and subsequently Section 376(i)(n) of the IPC and Sections 3, 4, 5 and 6 of POCSO Act, 2012 were invoked.

2. Learned counsel for the applicants submitted that main accused who had enticed the victim to join him was arrested and granted bail. Custodial interrogation of the applicants is not necessary.

3. Learned APP submitted that the victim was minor. The applicants were instrumental in aiding and abetting co-accused in taking away minor girl aged about 14 years. Statement of witnesses supports the prosecution case. Learned counsel for the complainant adopted the submissions of learned A.P.P.

4. The prosecution case is that victim girl was missing from the house. She did not return home. She stayed with accused No.1. There was relationship between them. Overt act attributed to the applicants is that they have assisted accused No.1 in kidnapping the victim. Main accused was already arrested and granted bail. Charge sheet has been filed against the arrested accused.

5. In view of the above, custodial interrogation of the applicants is not necessary. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1251 of 2021 is allowed;
- ii. Interim order dated 26th October, 2021 is confirmed.
- iii. In the event of arrest of the applicants in Crime No. 176 pf 2021 registered with Newasa Police Station, District Ahmednagar, the applicants be released on bail on executing PR bond in the sum of Rs. 20,000/- each with one or more sureties in the like amount;
- iv. The applicants shall attend the investigating officer on 27th, 28th and 29th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
- v. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC