

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 1180 OF 2021**

Samadhan Arun Daware. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

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Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, advocate for applicant.  
Ms. M.H. Mhatre, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV**

**DATE : MAY 3, 2021.**

**(Through Video Conferencing)**

**PC.**

1           Heard the learned Counsel for the applicant and the  
learned APP for State.

2           This is an application under section 439 of the Code of  
Criminal Procedure, 1973. The applicant herein is arrested on  
11/12/2020 in Crime No. 347 of 2020 registered at Karkam Police  
Station, Solapur for offence punishable under section 376(3), 363,  
366-A, 354, 109, 114 r/w 34 of the Indian Penal Code and under  
section 4, 6, 8, 12, 17, 18 and 21 of Protection of Children from Sexual  
Offences Act, 2012.

3           On 18/10/2020 Nirmala Daware lodged a report at the police station alleging therein that one Jagdish Daware happens to be her relative. He used to visit their residence quite often. He had developed friendship with her minor daughter Ms. X. As a mother, she had realised that all was not well between Jagdish and her daughter and therefore, she had warned him not to visit her house. That on 17/10/2020 at about 9 p.m. she had seen Jagdish Daware taking rounds on his motor cycle near the school which is in front of their house. On 18/10/2020 at about 4.30 a.m. she could not find her minor daughter at home. Thereafter, upon enquiry, she had learnt from her cousin brother Anil Davare that he had seen Jagdish blowing horn of his motor cycle near the school. They had searched for Jagdish. He could not be found and therefore, she was sure that her minor daughter has been kidnapped by Jagdish Daware. Hence, Crime No. 72 of 2020 was registered against Jagdish Daware.

4           In the course of investigation, it had transpired that the present applicant and his friend had helped Jagdish Daware to elope with Ms. X. The statement of Ms. X was recorded on 9/11/2020. She had disclosed to the police that she was residing for a month with

Jagdish at Hadapsar, Pune. She had also disclosed that she had got married to Jagdish Daware. She had not named the present applicant in her statement. However, her supplementary statement was recorded on 7/12/2020 in which she disclosed that his friends Prashant Shirtode and the present applicant, who are residing in the same village were fully aware that she was a minor and yet they had supported and helped Jagdish Daware to elope with her. Investigation is completed and charge-sheet is filed.

5            There is no specific role against the applicant as far as the offence punishable under section 376 of the Indian Penal Code or the provisions of POCSO Act is concerned. In view of this, prima facie the applicant deserves to be granted bail.

6            Hence, following order is passed :

**ORDER**

(i)           The application is allowed.

(ii)          The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.

(iii) The applicant be enlarged on provisional cash bail of Rs. 25,000/- for a period of 8 weeks, during which the applicant shall furnish one or more solvent sureties in the like amount.

(iv) The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV, J)**