

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

ANTICIPATORY BAIL APPLICATION NO. 1078 OF 2021

Naveenkumar Vilasrao Patil. ... Applicant

V/s.

State of Maharashtra. ... Respondent.

Mr. A.P. Mundargi, Sr. Counsel a/w. Mr. Shridhar Patil i/b. Mr. Sagar G. Talekar, advocate for applicant.

Mr. K.V. Saste, APP for State.

CORAM : SMT. SADHANA S. JADHAV

DATE : APRIL 26, 2021.

(Through Video Conferencing)

PC.

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

2 This is an application under section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest. The applicant herein is apprehending his arrest in Crime No. 61 of 2021 registered at Kodoli Police Station, Kolhapur for offence punishable under section 363, 366, 376, and 34 of the Indian Penal Code.

3 On 16th March, 2021 Bhauso Dalvi lodged a report at the police station that his daughter Ms. X is studying in the first year of the diploma in computer engineering at Vathar. She used to commute by bus. He learnt that she was in contact with a boy from the same village i.e. Shivtej and therefore, he and his relatives had warned him against approaching his daughter. On 15th March, 2021 his daughter had left for college, but she had not returned home. He learnt from Amisha Munde that his daughter had not accompanied them in the bus. They had searched for his daughter and then enquired with the family of Shivtej and learnt that he was also missing and therefore, he was sure that Shivtej had kidnapped his daughter. In the course of investigation, it transpired that the present applicant had aided Shivtej and Ms. X to hire a vehicle, which belongs to his friend. It had transpired that he had travelled with the boy and girl. It is alleged that the applicant had retained SIM cards of the boy and girl and had also arranged for their stay in a lodge. The investigation is completed and charge-sheet is filed.

4 In the course of investigation, it has transpired that in fact,

one Dilip Patil was approached by the accused Shivtej. Initially, Dilip had asked him to wait for 2 years and that they could get married thereafter, However, Shivtej had disclosed to him that he was ready to wait, however, the girl was not ready to wait. Shivtej was therefore, supported by Dilip Patil and he had advised them to elope. It is transpired that Dilip Patil happens to be the political opponent of the complainant and the present applicant happens to be his nephew.

5 That on 15/3/2021 Shivtej and the daughter of the complainant had eloped and they were accompanied by Naveenkumar Patil i.e. the present applicant and Amol Patil and the driver was Prakash Dixit. They were dropped at hotel Gunjwani at Bhore and thereafter, Shivtej had called upon his uncle, who asked him to return and that he would get them married. Shivtej and Ms. X have eloped in Ertiga car which belongs to Nitin Mane. The statement of owner of hotel Gunjwani was recorded and he disclosed that he was approached by the present applicant who had asked him to accommodate Shivtej and Ms. X for a day, as they intended to get married. He was also informed that boy and the girl have attained majority.

6 Statement of Shivtej was also recorded and he disclosed that on 9/2/2021 at 6 a.m. Ms. X had withdrawn herself from the custody of her parents and had come to his house. His uncle Sandeep called upon the complainant and informed him about the same. Thereafter, she was taken home. He has also disclosed that he was instigated by one Sunny Patil to elope with Ms. X. That in fact, Dilip Patil had also asked him to wait as Ms. X has to attain majority. However, he has disclosed that Ms. X is not willing to wait and threatened him of committing suicide. Mr. Dilip Patil then decided to support him and then they had eloped. The allegations against the present applicant is that of facilitating Shivtej, Juvenile in conflict with law alongwith Ms. X. It is submitted that Shivtej being Juvenile in conflict with law has been enlarged on bail. Accused Dilip Patil at whose request the present applicant had facilitated the Juvenile in conflict with law has also been granted anticipatory bail. In fact, other accused were also granted anticipatory bail.

7 Learned Senior Counsel submits that the applicant was not concerned with both the families. He was made to understand that both of them have attained majority and therefore, he arranged for

their accommodation for some time.

8 Taking into consideration the facts of the case and the fact that the principal accused was also a Juvenile in conflict with law, the present applicant deserves grant of pre-arrest bail. Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 61 of 2021 registered at Kodoli Police Station, Kolhapur, the applicant be enlarged on bail 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 to the Investigating Officer as and when called by the Investigating agency and cooperate with the Investigating Agency..
- (iv) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)