

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

CRIMINAL BAIL APPLICATION NO.2455 OF 2021

Akshay Prakash Yadav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rahul S. Arote, for the Applicant.

Mr. A. A. Palkar, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th OCTOBER 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 472 of 2020 registered with the Dahiwadi Police Station, Satara, for the alleged offences punishable under Sections 363 and 34 of the Indian Penal Code.
3. Perused the papers. According to the complainant-Guruprasad More, on 25th November 2020 at about 9:30 p.m., after dinner, his niece went missing from home, pursuant to which, FIR was registered. The statement of the victim girl was recorded on 30th November 2020. It

appears that the victim girl was brought to the police station, pursuant to the registration of the FIR. The statement of the victim girl discloses that the applicant had lured her and taken her to several places and she was ultimately dropped at Katarkhatav, where she was picked up by one Rajendra Mohite and his wife and handed over to her parents.. There are no allegations of Section 376 of the Indian Penal Code in the present C.R. nor does the statement of the victim girl reveal the same.

4. According to the learned counsel for the applicant the applicant was in love with the girl, pursuant to which, she accompanied the applicant. He submits that the applicant's parents were also made co-accused in the said case as the victim girl had also travelled with them. The applicant has filed an affidavit dated 4th October 2021 duly affirmed before the Jailor, Thane Central Prison, wherein he has stated he will not contact the victim girl nor he will make any direct or indirect attempt to contact her during the pendency of the trial. The said affidavit is taken on record.

5. It is not in dispute that the other co-accused in the said case have been released on bail. The applicant is in custody since 16th March 2021. Investigation is complete and charge-sheet is filed and as such

further detention of the applicant is not warranted.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

(i) The applicant be released on cash bail in the sum of Rs. 15,000/- for a period of six weeks;

(ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.