

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

**916 ANTICIPATORY BAIL APPLICATION NO.216 OF 2022**

SHIVRAJ BHASKAR GARAD

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. M.P. Tripathi, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

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**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 03<sup>rd</sup> MARCH, 2022**

**ORDER :**

1           Applicant is apprehending his arrest in connection with Crime No.5/2022 dated 12.01.2022 registered with Bamni Police Station, Dist. Parbhani. It was initially under Section 363 of the Indian Penal Code and later on it appears that Section 366 of the Indian Penal Code has been added. Learned Additional Sessions Judge-4, Parbhani in the Bail Application filed by the applicant before him i.e. Criminal Bail Application No.117/2022 has made the observation that though Section 363 of the Indian Penal Code has been mentioned in the report, the offence that is made out is under Section 366 of the Indian Penal Code, however, the bail application has been rejected.

Hence, the applicant is before this Court.

2            Heard learned Advocate Mr. M.P. Tripathi for the applicant and learned APP Mr. A.M. Phule for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3            It is to be noted that the girl is 17 years old and went away from the house at 10.30 p.m. without informing anybody. Before the learned Additional Sessions Judge-4, Parbhani statement was made that the Investigating Officer had produced the victim before the President of Child Welfare Committee and thereafter the custody of the girl has been handed over to the parents. Learned APP submits that the statement of the victim under Section 161 of the Code of Criminal Procedure as well as under Section 164 of the Code of Criminal Procedure would disclose that the applicant had promised her that he would marry her and then she was taken. However, though they had gone to Pune, though had stated that the uncle of the applicant had given phone call to the father of the applicant, father of the applicant took four wheeler and went to Katraj, Pune and told that the marriage cannot be performed and then she was brought to Bamni Police Station. In clear words she says that there was friendship between herself and the applicant and the applicant was saying that they should marry. Whether such taking away by the applicant was for ill intention or mala fide

intention would be considered at the end of the trial. The custodial interrogation of the applicant is not required. He has permanent place of abode. There are no criminal antecedents and, therefore, he deserves to be released on bail. Hence, following order.

**ORDER**

1           Application stands allowed.

2           In the event of arrest of the applicant viz. Shivraj Bhaskar Garad, in connection with Crime No.5/2022 dated 12.01.2022 registered with Bamni Police Station, Dist. Parbhani, for the offence punishable under Section 363, 366 of Indian Penal Code, 1860, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- ( Rupees Fifteen Thousand only) each.

3           The applicant shall not indulge in any criminal activity nor he should tamper with the evidence of the prosecution, in any manner.

4           He shall co-operate with the investigation.

( Smt. Vibha Kankanwadi, J. )