

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.339 OF 2022

Limbaji s/o Sonaji Kharat and Anr.

... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. P. N. Kalani, Advocate for applicants.

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

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 01.04.2022

ORDER :-

. The applicant is apprehending his arrest in connection with Crime No.5 of 2022 registered with Manwat Police Station, Dist. Parbhani for the offence punishable under Sections 363, 366, 376(2)(n) read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. P. N. Kalani for the applicant and learned APP Mr. A. M. Phule for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions. It will not be out of place to mention here that the application in respect of applicant No.2 has already been rejected by this Court vide order dated 17.03.2022.

3. Perusal of the FIR would show that the prosecutrix is major. Though she says that she was taken by the main accused and co-accused under the pretext that the health of her grandfather is not good, yet it can be seen that they had gone to a different place than the place where her grandfather was. They went on motorcycle. As regards applicant No.1 is concerned, it is stated that he had taken the informant/prosecutrix along with accused No.1 Tejas around 9.00 to 10.00 a.m. on 23.12.2021 in car and left them to Jalna. The prosecution case is not clear enough in saying that applicant No.1 had the knowledge that the girl was abducted. Further, applicant No.2 is the paternal aunt of accused No.1 – Tejas. According to the prosecutrix, accused No.1 had taken her to applicant No.2 around 7.00 p.m. at Parbhani. Applicant No.2 had taken them to one Anganwadi Sevika and they both had stayed at night time in the house of said Anganwadi Sevika. As regards that Anganwadi Sevika is concerned, the prosecutrix says that she was knowing that lady. But then why she has not disclosed that she was abducted and brought forcibly there by accused No.1 is a question. There appears that the girl had voluntarily eloped with accused No.1. This Court has granted anticipatory bail to the co-accused persons in ABA Nos.101 of 2022 and 104 of 2022 on 09.02.2022. No doubt, the role of each of the accused was different, but they are not the

main accused persons and, therefore, present applicant also deserves to be released on bail. The interim relief granted earlier by this Court vide order dated 17.03.2022 deserves to be confirmed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The interim relief granted earlier by this Court vide order dated 17.03.2022 stands confirmed and made absolute. In the event of arrest of the applicant - (i) Limbaji s/o Sonaji Kharat in connection with Crime No.5 of 2022 registered with Manwat Police Station, Dist. Parbhani for the offences punishable under Sections 363, 366, 376(2)(n) read with Section 34 of Indian Penal Code, they be released on P.R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each, if not already released.
- III) He shall not tamper with the evidence of the prosecution in any manner.
- IV) He shall remain present before the Investigating Officer as and when called and co-operate with the investigation.

[SMT. VIBHA KANKANWADI, J.]

scm