

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

BAIL APPLICATION NO.1139 OF 2022

Akshay s/o. Raju Muntode

..Applicant

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.K.N.Shermale, Advocate for applicant
Mr.R.B.Bagul, APP for respondent no.1
Ms.Z.M.Surti, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 20, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0118 of 2022 registered with Ashvi Police Station, Dist.Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by the father of the victim against accused no.1. The applicant is alleged to have assisted accused no.1 to elope with the victim.

4. According to learned counsel for respondent no.2 and learned APP, the mastermind for all the arrangements, was none other than the present applicant. Had the applicant not played any role, the offence might not have been committed, was the submission made by of learned counsel. Learned APP would also point out the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, to ultimately urge for rejection of the application.

5. From the investigation so far made, it appears to be a case of emotional involvement. The victim is little over 16 years of age. She and accused no.1 would regularly meet each other at night time. On the given day, they had planned to elope. Present applicant had allegedly driven them from Sangamner to Pune. This is the only role attributed to the applicant herein. It is also alleged that present applicant had made available accommodation for the victim and the main accused to stay in.

6. Considering the nature of the role allegedly played by the present applicant in the offence in question, he being 21 years of age and behind the bars for little over one month, this court is inclined to grant him bail.

7. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0118 of 2022 registered with Ashvi Police Station, Dist.Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP