

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1480 OF 2022

1. Sayyed Farhana Chandpasha
2. Sunil S/o. Dilip Wavalkar Applicants

Versus

The State of Maharashtra Respondent

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Mr. A.V. Lavte, Advocate for the Applicants
Ms. P.V. Diggikar, APP for Respondent – State
Ms. S.G. Sonawane, Advocate for the informant.
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 09th December, 2022

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 0182 of 2022 registered with Dindrud Police Station, District Beed for the offences punishable under sections 420, 336, 506 read with 34 of the Indian Penal Code.

2. The FIR is lodged by Nizam Chand Shaikh that between 20/06/2022 to 21/06/2022, some unknown persons kidnapped his minor daughter, hence he lodged a report. Accordingly, Crime No. 92 of 2022 for the offences punishable under section 363 was registered at Dindrud Police Station. On 26/06/2022, his minor daughter was found with accused

Sachin Tonde, and Sections 376 (2)(i), 376 (2)(n) and 376 (2) (j) of the Indian Penal Code read with sections of the Protection of Children from Sexual Offences (POCSO) Act, 2012, were added in the said crime. The accused was arrested.

3. On 26/06/2022, one accused Akil Sayyed came to the informant and assured him that he would assist him in the matter of his daughter. He also accompanied the informant to Government Hospital at Ambajogai and to Juvenile Justice Board. At that time, he asked the informant to transfer some amounts on Phone Pay and Google Pay account of himself and other accused, saying that payment is required to make to the Government Officials in the hospital and Juvenile Justice Board, Beed. On his say, the informant sent money to the accounts of Sayyed Chandpasha and some other persons including present applicants. Applicant No.1 has received Rs.15,000/- and applicant No.2 has received Rs.10,000/-. Thereafter, on subsequent dates, co-accused Sayyed Akil took cash amount of Rs.50,000/- and Rs.35,000/- from the informant. The informant realized that he is cheated and hence lodged the present FIR.

4. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for the respondent and the learned advocate for the informant.

5. It is the case of applicant No.1 that minor daughter of co-accused Akil is staying with her at Aurangabad and for paying her tuition fees, he has received the amount.

6. It is the case of applicant No.2 that he is running business of multi services and towards services rendered by him, he has received amount of Rs. 10,000/-.

7. The investigation is almost complete. The applicants were directed to attend the concerned police station and co-operated in the investigation. The applicants have co-operated in the investigation. In that view of the matter, pre-trial custodial detention of the applicants is not warranted in the facts of the present case.

8. The application is therefore allowed by confirming the interim order.

9. Till filing of charge-sheet, applicants shall attend the concerned police station as and when called by investigating officer. The applicants shall not influence the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane