

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

ANTICIPATORY BAIL APPLICATION NO.2270 OF 2022

Balasaheb Soudagar Shinde

..Applicant

Versus

State of Maharashtra & Anr.

..Respondents

Mr. Ritesh Thobde a/w Kamran Shaikh, for the Applicant.

Ms. Geeta P. Mulekar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 23rd SEPTEMBER, 2022

PC.

1. This Court vide order dated 23rd August, 2022 granted ad-interim protection.

2. Case of the prosecution is, victim, a minor aged about 14 years eloped with Akash, son of the applicant. As such, offence under the provisions of POCSO Act, penetrative sexual assault and kidnapping. The role attributed by the prosecution against the applicant is that of harbouring/supporting Akash i.e. son of the applicant.

3. I have perused the investigation papers.

4. The medical evidence does not support the case of the prosecution *qua* the invoking of provisions of Section 4 of POCSO Act. As such, in absence of any direct evidence to infer offence

under Sections 4, 8 and 12 of POCSO Act r/w Section 376 of IPC, the only issue which needs to be considered is offence under Section 363 of IPC.

5. It appears that the victim is in love with Akash, son of the applicant. The implication of the applicant is based on the statement of the relatives who have stated that the victim and Akash stayed at the place of those relatives after having dropped by the present applicant.

6. The aforesaid material is not enough to infer that applicant has abetted offence of kidnapping. That being so, case for confirmation of ad-interim protection is made out.

7. In the event of arrest, applicant is directed to be released on bail on furnishing PR bond of Rs.15,000/- with one or more sureties in the like amount.

8. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

9. Applicant shall attend the Investigating Officer as and when directed.

10. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]