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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1704 OF 2022

Abhishek Prashant Divekar	APPLICANT
VERSUS	
The State of Maharashtra and Others	RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.1509 OF 2022

Dattatraya Govind Dangade and Another	APPLICANTS
VERSUS	
The State of Maharashtra and Others	RESPONDENTS

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Mr. Rahul R. Karpe, Advocate for the applicants
Mr. V. S. Badakh, APP for respondent - State
Mr. G. J. Karne, Advocate for respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 10th JANUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 667 of 2022 registered with Shrigonda Police Station, District – Ahmednagar for offence punishable under sections 363, 366-A, 109 of the Indian Penal Code and under section 12 of the POCSO Act and under section 3 (2) (va) and 3 (2) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. FIR is lodged by Mohan Pawar on 29th August, 2022 alleging that his minor daughter is abducted by unknown

persons. On 11th October, 2022, his supplementary statement was recorded, wherein he has alleged that the applicants have helped the main accused Abhayraj Sanjay Dangade in abducting his daughter and performing their marriage. He has further stated that on 29th August, 2022, at about 2.14 noon, a text message was received on his cell phone that - "*Papa Me Lagna Kelay Mulga Job La Aahe Mala Shodhu Naka and Aply Jaticha Ahe Ani Kes Karu Naka*". From the said message, the informant gathered that the applicants have colluded together and helped accused No.1 to abduct his daughter and by taking undue advantage of the simple nature of his daughter, performed her marriage with accused No.1.

3. Heard learned advocate for the applicants, learned Additional Public Prosecutors for the State and the learned advocate for the informant. Perused the investigation papers.

4. Opposing the bail application, learned Additional Public Prosecutor and the learned advocate for the informant would submit that the applicants have played active role in commission of the offence and they have threatened the witnesses. FIR at Crime No. 932 of 2022 is registered against Dattatraya Dangade for offence punishable under section 504, 506 of the Indian Penal Code and under section 3 (1) (r) (s) of the SC and ST

(Prevention of Atrocities) Act. Learned Additional Public Prosecutor submits that accused No.1 and the victim are yet to be traced and, therefore, the applicants are not entitled for anticipatory bail.

5. Taking into consideration the allegations made in the FIR and in the supplementary statement and the role attributed to the applicants and the fact that names of the applicants are implicated in the present crime subsequently after almost two months and the fact that nothing is to be recovered from the applicants, pre-trial custodial detention of the applicants is not warranted.

6. The applicants were granted interim protection and were directed to attend the police station and co-operate in the investigation. The applicants have done that. The application is, therefore, allowed by confirming the interim order. The applicants shall not, in any manner, threaten the prosecution witnesses and / or tamper prosecution evidence. Till filing of the charge sheet the applicants shall attend the concerned police station as and when called by the Investigating Officer.

[NITIN B. SURYAWANSHI]
JUDGE