

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

ANTICIPATORY BAIL APPLICATION NO.1138 OF 2023

Tosif Kadir Bagwan	...Applicant
vs.	
The State of Maharashtra	...Respondent

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Mr. Veerdhaval Kakade, for the Applicant.

Mr. S.H. Yadav, for the Respondent State.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 19 APRIL 2023

P.C.:

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.626 of 2022 registered with Jail Road Police Station, Solapur City for offence punishable under Section 366 r/w 34 of the IPC.

2. Heard Mr. Veerdhaval Kakade, learned Counsel for the Applicant and Mr. S.H. Yadav, learned APP for the Respondent State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The FIR prima facie reveals that the co-accused wanted to marry the daughter of the First Informant. Since about three years prior

to lodging of the FIR, he was persistently asking the First Informant to allow him to marry her daughter. The First Informant claims that they did not like the co-accused and, hence, declined his proposal. It is stated that, on 27 December 2022, while the daughter of the First Informant was going to her college, the co-accused took her to Bijapur, Karnataka and forced her to marry him. The victim refused to marry him. The co-accused, thereafter, dropped her back to her residence.

4. The allegations of abduction are essentially against the co-accused, who proposed to marry the daughter of the First Informant and whose proposal was declined by the First Informant. Considering the role attributed to the Applicant, in my considered view, this is not a case, which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicant in C.R. No.626 of 2022 registered with Jail Road Police Station, Solapur City, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;
- (ii) The Applicant is directed to report to the Investigating Officer for two days on 24 and 25 April 2023 between 11.00 a.m. to 2.00 p.m. and as and when required by the Investigating Officer;

- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
 - (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.
5. The application stands disposed of.

(ANUJA PRABHUDESSAI, J.)