



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO.1256 OF 2023

Bharat Nivrutti Chitalkar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Pankaj Popatrao Deokar, for Applicant.

Mr. N. B. Patil, APP for State.

Mr. Ganesh Bhujbal, for Respondent.

Mr. Suhas D. Shelake, Police Constable, 481, Indapure,
Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 21st AUGUST, 2023

P.C.:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 443 of 2022, registered with Indapur police station, for the offences punishable under Sections 363, 366, 354 read with 34 of Indian Penal Code, 1860 and Sections 12 and 17 of the POCSO Act, 2012.

3) The first informant had lodged a report with the allegations that her niece aged about 17 years and 5 months had accompanied her to the farm of Dilip Chitalkar on 13th June, 2022 at about 12 noon. While the first informant and victim were cutting the grass, alarm was raised by the victim. The informant rushed towards the said spot and found that co-accused Amol and other unknown persons were taking away the victim.

4) When she tried to intervene, the applicant restrained her by stating that she should not intervene in the said matter. The victim was taken away to a car parked nearby and the said car drove away.

5) In the supplementary statement, the first informant stated that on the next date, the co-accused and the relatives of the co-accused had brought the victim back to their home.

6) By an order dated 2nd May, 2023, this Court had granted interim protection from arrest to the applicant.

7) The learned Counsel for the applicant submitted that the role attributed to the applicant is that of only restraining the first informant, when she tried to intervene.

8) I have perused the FIR, supplementary statement of the first informant and the statement of victim recorded under

Section 164 of the Code of Criminal Procedure, which was tendered by the learned APP. The role of forcibly taking away the victim is attributed to co-accused Amol Chitalkar and Gotya alias Hanumant Bhosale.

9) The victim has indeed stated that the applicant had restrained the first informant when she tried to intervene. However, the role of taking away victim is specifically attributed to the co-accused. The victim has further stated that she was taken to the house of the sister of the co-accused Amol and the said sister and brother in law of Amol had safely brought her back to her home.

10) The Court is informed that those co-accused have been arrested and released on bail.

11) In the aforesaid view of the matter, at this stage, the custodial interrogation of the applicant does not seem to be warranted for further investigation.

12) The applicant also seems to have roots in society. The possibility of fleeing away from justice seems to be remote. I am inclined grant the application. Hence, the following order:-

ORDER

I) The application stands allowed.

(II) In the event of the arrest of the applicant in connection with CR No. 443 of 2022, registered with Indapur Police Station, under Sections 363, 366, 354 read with 34 of Indian Penal Code, 1860 and Section 12 read with Section 14 of the POSCO Act, 2012, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- and one or two sureties in the like amount.

III) The applicant shall attend Indapur Police Station on every alternate Monday from 10 to 12 noon for a period of three months and co-operate with the investigation agency.

IV) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to first informant victim and any of the prosecution witnesses.

V) The application stands disposed.

[N. J. JAMADAR, J.]