

VRJ

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

BAIL APPLICATION NO.1529 OF 2023

Haribhau Sahebrao Dube	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Ghanasham Jadhav for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
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Date: 2023.07.12
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CORAM : AMIT BORKAR, J.

DATED : JULY 11, 2023

P.C.:

1. This is an application under section 439 of the Criminal Procedure Code, 1973, seeking release of the applicant on bail in connection with C.R. No.I-167 of 2022 registered with Bhigwan Police Station for offences punishable under sections 363, 366 read with section 34 of the Indian Penal Code, 1860.

2. According to the prosecution, on 30th June 2022 the informant lodged a complaint alleging that his brother-in-law namely co-accused has one minor daughter and a son. Pundlik Kolekar is in jail since four years, hence, his daughter resides with the informant. On 27th June 2022, accused No.1 Pappu Alias Raviraj Narayan Bichakule, who is relative of Pundlik Kolekar came to the informant and told him that he wants to take victim to Kolhapur jail to meet her father. Accused No.1 assured the

informant that he would drop the victim in the evening. However, they did not return in the evening. On inquiry with her mother, it was revealed that accused No.1 eloped with the victim. He, therefore, lodged a report.

3. The applicant was arrested on 28th February 2023. Role attributed to the applicant at this stage is that he called upon the informant to withdraw the complaint else he will ensure marriage of victim and accused No.1.

4. Investigation is complete. Charge sheet is filed. Only allegation against the applicant is that he helped the accused to perform marriage of victim. The age of the victim prima facie appears to be 16 years 5 months on the date of incident. The applicant was arrested on 28th February 2023. The role of the accused needs to be considered by the trial Court at the time of trial of the case. However, considering the role attributed to the applicant and the material on record, the applicant has made out a case for grant of bail under section 439 of the Criminal Procedure Code, 1973. Hence, following order:

a) The applicant Haribhau Sahebrao Dube shall be released on bail in connection with C.R. No.I-167 of 2022 registered with Bhigwan Police Station for offences punishable under sections 363, 366 read with section 34 of the Indian Penal Code, 1860, on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount;

b) The applicant shall mark his presence before the

concerned police station once in three months on first Saturday of 3rd Month between 11:00 a.m. to 02:00 p.m.;

c) The applicant shall remain present before the trial Court regularly unless exempted by the Court;

d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

5. The bail application is disposed on in above terms.

(AMIT BORKAR, J.)