

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2745 OF 2022**

Gokul Tukaram BhadargeApplicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr.Anandmaya Dhorde i/b Mr. Nitin Gaware Patil, Advocate for the Applicant.

Ms .Pallavi N. Dabholkar, APP for Respondent No.1-State.

Mr. Aashish Satpute, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th SEPTEMBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No. 11 of 2022 registered with Loni Kalbhor Police Station, Pune, for offences punishable under Section 363 of the Indian Penal Code, 1860 (for short "IPC").

2. It is the prosecution's case that initially FIR was lodged against unknown person for kidnapping of complainant's daughter. In investigation, police arrested the applicant in connection with the

crime. It is contention of learned counsel for applicant that the victim was more than 16 year old at the time of incident. It is alleged that applicant took her to various places but she did not raise alarm when she was with the applicant. Considering her age, she was aware that she was going with the applicant. The applicant is 21 year old. He is behind bar for more than 18 months. Investigation is completed, charge-sheet has been filed. Hence, requested to allow the application.

3. Learned APP submitted that victim was taken away by the applicant on false pretext that her mother was ill and thereafter applicant threatened her. It shows the complicity of the applicant in the crime. If applicant is released on bail, he may threaten the victim and prosecution witnesses and he may abscond. Hence, requested to reject the application.

4. Learned counsel for respondent No.2 reiterated the submissions of learned APP.

5. I have heard learned counsel appearing for respective parties.

6. The allegations against applicant are that he took away complainant's daughter at various places. The age of victim is more

than 16 years. In the statement under Section 164 of Cr.PC, victim has stated that one day when she and applicant had gone out, she on the pretext of using washroom, escaped from the clutches of applicant and approached one person, who took her to nearby Shivsena Shaka and thereafter she approached the police. But when she was taken to various cities viz. Chikhali and Kalyan, she did not raise any alarm. Though she had mobile phone, she did not contact any of her family member. The applicant is behind bar for more than 18 months. The investigation is completed and charge-sheet has been filed. Considering the above facts, further detention of the applicant is not required.

7. In view of above, I pass following order :

ORDER

- (i) Applicant be released on bail in Crime No. 11 of 2022 registered with Loni Kalbhor Police Station, Pune, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall not enter area of Kadamvakya vasti, Taluka-Hawali, District Pune, where the victim is residing, except attending the Court dates and shall not tamper with

the evidence or attempt to influence or contact the victim, complainant, witnesses or any person concerned with the case.

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till conclusion of trial.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)