



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2449 OF 2023**

Kiran Dada Zende ... Applicant
versus
State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2437 OF 2023**

Satish Sudam Rakhpasare ... Applicant
versus
State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2441 OF 2023**

Sagar Raju Londhe ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Vaibhav Chandanshive, for Applicants.
Mrs. Ashwini Takalkar, APP for State.
Mr. J.M.Takawane, ASI Malegaon Police Station, Pune (Rural) present.

CORAM: N.J.JAMADAR, J.

DATE : 4 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. These applications are preferred for pre-arrest bail in connection with C.R.No.212 of 2023 registered with Malegaon Police Station, Pune for the offences punishable under Sections 328, 366, 394, 343, 504, 506 read with Sections 34 of the Indian Penal Code, 1860.

3. The indictment against the applicants is that the first informant was enticed away by the applicant – Kiran on 27 April 2023 and made her to board a car at Kavahagaj ST stand. The Applicant – Satish, brother in law of applicant – Kiran, was in the said car. The applicants took the first informant to Alandi. The Applicant – Sagar joined them. The first informant further alleged that the applicant – Kiran gave her water laced with intoxicant and stupefying substance. The first informant became unconscious. The Applicant – Kiran took her to the house of the applicant – Sagar and confined her in a room. The Applicant – Kiran allegedly assaulted her. She was relieved of a mobile phone handset and five grams gold chain. The Applicant – Kiran also told her that he had solemnized betrothal ceremony with her while she was unconscious.

4. It appears that the first informant was traced and initially she did not make any allegation against the applicants and stated that she was in a relationship with the applicant – Kiran. Later on, the first informant lodged a report with the allegations that on account of threats administered by the applicant – Kiran, she had not stated the true facts.

5. The learned Counsel for the Applicants submitted that the first informant, who is a major, was in a relationship with the applicant – Kiran and they had voluntarily solemnized the betrothal. At the instance of the father of the first informant, the applicants are falsely prosecuted.

6. The learned APP invited the attention of the Court to a statement of the priest who solemnized the betrothal ceremony. It indicates that the first informant and the applicant – Kiran had been his place to solemnize marriage, but the priest having realized that the applicant – Kiran had not yet attained 21 years of age, declined to solemnize the marriage and, therefore, they went through the betrothal ceremony.

7. Prima facie, in view of the aforesaid statement of the first informant, the allegations against the Applicants – Sagar and Satish for the offences punishable under Sections 366 and 394 of IPC do not seem to have been prima facie made out. At the highest, the role of assault and relieving the first informant of mobile phone and gold chain can be attributable to applicant – Kiran. The statement of priest that the applicant – Kiran and the first informant had come to his place and he had solemnized the betrothal ceremony, prima facie, denies the first informant's version. Since in the FIR itself, the first informant stated that initially she did not implicate the applicant – Kiran as well, I am inclined to grant interim protection to Kiran and allow the applications of Satish and Sagar.

7. Hence, the following order :

ORDER

- (i) Anticipatory Bail Application Nos.2441 and 2437 of 2023 stand allowed.
- (ii) In the event of the arrest of the Applicants – Satish Sudam Rakhpaware and Sagar Raju Londhe, in connection with C.R.No.212 of 2023 registered with

Malegaon Police Station, Pune the Applicants be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(iii) The Applicants shall co-operate with the investigation and report to the Malegaon Police Station on every alternate Sunday from 10.00 a.m. to 12.00 for a period of one month.

(iv) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(v) In the event of the arrest of the Applicant – Kiran Dada Zende in connection with C.R.No.212 of 2023 registered with Malegaon Police Station, Pune the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(vi) The Applicant – Kiran shall co-operate with the investigation and report to the Malegaon Police Station, Pune, on every Sunday from 10.00 a.m. to 12.00 till the next date.

(vii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(viii) Place Anticipatory Bail Application No.2449 of 2023 on 9 October 2023.

(N.J.JAMADAR, J.)