



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

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

Mr. Vaibhav Chandanshive, for Applicant.
Smt. A.A.Takalkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 9 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. By an order dated 4 September 2023, this Court had granted interim protection after ascribing reasons. Paragraphs 6 and 7 read as under :

“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 seems 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, dents 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.”

3. The learned Counsel for the Applicant submits that the applicant has co-operated with the investigation and appeared before the Investigation Officer in terms of the directions contained in the aforesaid order.

4. In the backdrop of the nature of the accusation and the reasons which weighed with this Court in granting interim protection, I am impelled to make the order of interim bail absolute.

5. Hence, the following order :

ORDER

(i) The order dated 4 September 2023 granting interim bail is made absolute on the terms and conditions mentioned therein.

(ii) The Applicant shall henceforth appear before the Investigating Officer as and when directed.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) The application stands disposed.

(N.J.JAMADAR, J.)