

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

ANTICIPATORY BAIL APPLICATION NO. 2609 OF 2023

Anna Sakharam Thorat ...Applicant
Versus
The State Of Maharashtra ...Respondent

AND

ANTICIPATORY BAIL APPLICATION NO. 2611 OF 2023

Dada Eknath Bichkule ...Applicant
Versus
The State Of Maharashtra ...Respondent

Ms.Suvarna Yadav, Advocate for the Applicants in both applications.

Mr. M. G. Patil, APP for the Respondent – State.

P.S.I. Rupesh V. Kadam, Bhigwan Police Station, present.

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CORAM : N. J. JAMADAR, J.
DATE : 14th SEPTEMBER, 2023.

PC.:

1. Heard the learned Counsel for the Applicants and the learned APP for the State.

2. These applications are preferred for pre-arrest bail in connection with C.R. No. 167 of 2022 registered with Bhigwan Police Station, Pune (Rural) for offences punishable under Sections 363 and 366 read with 34 of the Indian Penal Code, 1860.

3. The brother-in-law of the first informant was incarcerated. His son and daughter were under the

guardianship of the first informant. The daughter was 17 years of age and studying in 12th standard.

4. On 27th June 2022, Pappu Bichkule another relative of the father of the girl took away the girl on the pretext of interview with her father at prison. Co-accused Pappu Bichkule and the girl did not return till late evening. The girl could not be reached on her cellphone. The mother of the said co-accused upon being inquired replied that her son had taken away the girl. Thus, the first informant lodged a report on 30th June 2022 for an offence punishable under Section 363 of Indian Penal Code, 1860.

5. In the month of July 2022, the father of the girl was released from prison. It seems that on 27th February 2023, the statement of the father of the girl came to be recorded. In the said statement, the father alleged that the whereabouts of the boy and the girl were not known. The relatives of the boy represented that they had solemnized the marriage of the boy and girl. The applicant in Anticipatory Bail Application No. 2609 of 2023 is the brother-in-law of the said boy and the applicant in Anticipatory Bail Application No. 2611 of 2023 allegedly assisted the accused No.1 and his relatives after the marriage. It was further alleged that, the relatives of accused

No.1 and his parents were threatening him to withdraw the complaint.

6. From the Perusal of the allegations in the FIR it becomes evident that, accused No.1 had taken away the girl on the pretext of meeting her father. It is not the allegation that any of the applicants had instigated, abetted or otherwise provided any aid to the accused No.1 in taking away the girl. The accused No.1 and girl are yet to be traced. The allegations against the applicants are that they are the relatives of accused No.1 and have assisted the accused No.1 and his parents for the solemnization of marriage of accused No.1 and the said girl.

7. The allegations *prima facie* appear to be based on surmises and conjunctures. In any event, the custodial interrogation of the applicants does not seem warranted. Post completion of the investigation, charge-sheet has been lodged.

8. I am, therefore, inclined to exercise the discretion in favour of the applicants.

Hence, the following order:

ORDER

(i) In the event of arrest in C.R. No. 167 of 2022

registered with Bhigwan Police Station, Pune (Rural), the applicants be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount, each.

(ii) The applicants shall co-operate with the investigation and attend Bhigwan Police Station on every alternate Sunday in between 10.00 am to 01.00 pm for a period of one month.

(iii) The applicants shall not tamper with the prosecution evidence and give threat or inducement to the first informant and any person acquainted with the facts of the case.

(iv) The applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

(vi) Applications stand disposed.

(N. J. JAMADAR, J.)