



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 611 OF 2024

Bibhishan Arjun Munde
VERSUS
The State Of Maharashtra And Others

Mr. M. P. Gandle, Advocate for the applicant
Mr. C. B. Bhadane, APP for the respondent/State
Mr. s. PL. Sonwane, Advocate for respondent no.3.

CORAM : R. M. JOSHI, J.
DATE : 22nd OCTOBER, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 30/2024 registered with Kaij Police Station, Dist. Beed for the offence punishable under Sections 363, 376, 376(2)(N) of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO).
2. First informant reported to the police that his daughter aged about 17 years and 7 months was kidnapped by unknown boy on 6th November, 2023. Report was lodged on 26th January, 2024.
3. Learned counsel for the applicant submits that there is delay in lodging of the first information report. According to him the victim i.e. daughter of the informant has recorded her statement in Crime No.

610/2023, before the learned Magistrate wherein she has not stated about any physical relationship being established between the applicant and herself. He further submits that there is no evidence to show that offence under Section 376 of the IPC is committed by the applicant. He further makes statement that now the victim girl is major and on her own free will she is residing with the applicant.

4. Learned counsel for the informant opposed the said contention by submitting that the applicant is a married man and that without dissolution of first marriage, he planning to marry victim. It is his submission that in the earlier crime i.e. Crime No. 610/2023 his liberty was protected, however, contrary to the order passed therein, he is tampering with the evidence by contacting the witness. Learned APP also opposed the application on the ground of seriousness of the crime.

5. Perusal of the record indicates that the victim girl has not stated before the Magistrate while recording her statement under Section 164 of Cr.P.C. that there was any physical relationship between her and applicant. Admittedly, now the victim is major. During the course of the hearing a query was made to the learned counsel for the informant as to whether the victim resides with the parents, the response to the said query was in negative. Having regard to the fact the possibility of informant filing the report for being against the relationship of his

daughter with applicant is not ruled out. This is not a case of custodial interrogation. There is no criminal history against accused except previous complaint sought to be lodged through victim girl. He is not likely to abscond. Hence, application is allowed in terms of interim order dated 26th September, 2024.

(R. M. JOSHI, J.)

ssp