



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.398 OF 2024

(Sandip Wasudeo Kute and anr. Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H.V. Dhage, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 18, 2024.

Heard.

2. By this application, the applicants are seeking pre-arrest bail. The applicants are apprehending arrest at the hands of police in connection with Crime No.203/2024 registered with Police Station Khamgaon City, District Buldhana for the offences punishable under Sections 363 and 366 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The accusation against the present applicants is on the basis of report lodged by maternal uncle of the victim on 14/04/2024 at Khamgaon City police station alleging that on 13/04/2024 his niece aged about 17 years and 11 months had been to the house of her relatives and she got missing. On enquiry, it reveals that the co-accused Mohan Kute has kidnapped her and took her at some unknown place. As far as the present

applicants are concerned their involvement revealed during the investigation as the co-accused Mohan Kute was in contact with the present applicants and they have assisted him by providing some financial help but they are not cooperating with the investigating agency by disclosing the whereabouts of the victim and the co-accused. On the basis of said report, police have registered the crime against the present applicants.

4. Learned Counsel for the applicants submitted that as far as the role of the present applicants are concerned the allegations are vague in nature. Only it is alleged that they have provided the financial help to the co-accused who kidnapped the victim and took her at unknown place. As far as the overt act is concerned no specific role is attributed to them, their custodial interrogation is not required, and therefore, they be protected by granting anticipatory bail.

5. Learned APP strongly opposed the application and invited my attention towards the statement of wife of one of the applicant namely Sandip Kute from which he submitted that it reveals that both the applicants have assisted the co-accused in committing the said crime, therefore, their custodial interrogation is required to ascertain the whereabouts of the victim and the co-accused, and therefore, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers. As far as the role of the present applicants is concerned only it is alleged that they have assisted the co-accused in kidnapping the victim and they are knowing the whereabouts of the victim and the co-accused. During investigation, the statement of wife one of the co-accused namely Nanda Sandip Kute is recorded, and she also stated that the present applicants have assisted the co-accused Mohan Kute. However, in what manner they have assisted, till today the Investigating Officer could not find out the same. As far as the role of the present applicant alleged to be vague in nature. As far as their custodial interrogation is concerned which is not required. In view of that, they can be protected by granting anticipatory bail. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicants –
1) Sandip Wasudeo Kute and 2) Sandip Dnyandeo Waghmare in connection with Crime No.203/2024 registered with Police Station Khamgaon City, District Buldhana for the offences punishable under Sections 363 and 366 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on anticipatory bail on executing a

PR.Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iii) The applicants shall attend the concerned police station as and when required for the investigation purpose and the investigating officer shall issue notice to them in advance and shall cooperate with the investigating agency.

(iv) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*