

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

ANTICIPATORY BAIL APPLICATION NO. 934/2025

DATTATRAY MAHADEO JADHAV ..APPLICANT

VS.

STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

WITH

ANTICIPATORY BAIL APPLICATION NO. 796/2025

DATTATRAY @ APPA DNYANDEV BHISE ..APPLICANT

VS.

STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

WITH

ANTICIPATORY BAIL APPLICATION NO. 1024/2025

HANUMANT KISAN MANE AND ANR ..APPLICANTS

VS.

STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. P. S. Hagare a/w. Adv. Krishna Tarde for applicants in
ABA/934/2025 & ABA/1024/2025.

Adv. R. A. Zade for applicant in ABA/796/2025.

Ms. Rutuja A. Ambekar, APP for State in all ABAs.

Adv. Sarthak Diwan for complainant in all ABAs.

API S. V. Raut, Indapur Police Station, Pune Rural.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 23, 2025.

P.C. :

ANTICIPATORY BAIL APPLICATION NO. 1024/2025

1. Anticipatory Bail Application No.1024/2025 is filed by the father and mother of the victim girl. The victim girl as of today is staying at Pandita Ramabai Mukti Mission, Kedgaon, Pune, pursuant to an order passed by the Child Welfare Committee, Yerwada, Pune. The boy (Omkar Dattatray Jadhav) with whom the victim girl got married being arranged marriage, is behind bars. The victim girl after coming back to her parents home, had eloped with one boy named Kumar Kamble, he is also behind bars. The present applicants are the parents of the victim girl. The present FIR was earlier filed only under the provisions of the Indian Penal Code (IPC) for the offence of kidnapping. The present FIR has been filed by accused no.2 herein being mother of the victim girl for the offence punishable for kidnapping under IPC. Subsequently, after Kumar Kamble and Omkar Jadhav were arrested, the offence punishable under the Prohibition of Child Marriage Act, 2006 and the Protection of Children from Sexual Offence Act, 2012 were added pursuant to which the names of the present applicants were added as the accused persons. Hence, the pre-arrest bail application was filed before the Sessions Court.

However, the Court of Sessions had rejected the pre-arrest bail applications of the present applicants. Hence, the present pre-arrest bail application is filed before this Court.

2. It is pertinent to note that the present applicants are parents of three daughters. They intended that their elder daughter (victim girl) to be married to the son of the sister of applicant no.1 as she being Mama's daughter of Omkar Jadhav. The said Omkar Jadhav was a farmer. The marriage by consent of both the families took place on 9/10/2022. For a period of over two years, the victim girl stayed in her matrimonial home. After the marriage, she came in touch with co-accused Kumar Kamble through Instagram. The victim girl came back to her parents' house as her husband Omkar Jadhav got knowledge about the fact that the victim girl was in touch with Kumar Kamble. It has now been alleged that Kumar Kamble is having a criminal background. When Kumar Kamble was arrested in the present crime, revolver and a bullet was found in his possession. It appears that on 18/1/2025, after a span of seven days, the victim girl was kidnapped by Kumar Kamble. At that time, Dattatraya Bhise who is accused no.2 in the present crime, filed Anticipatory Bail Application No.796/2025, who had helped Kumar Kamble to commit the act of kidnapping as alleged, by driving a vehicle called Scorpio.

The victim girl after being kidnapped was kept in the home of one Mr. Umesh Kshirsagar, who alleged to be a friend of Dattatraya Bhise (applicant in Anticipatory Bail Application No.796/2025).

3. Today before me, there three are pre-arrest bail applications. One bail application bearing No.1024 of 2025 is filed by the parents of the victim girl. The said anticipatory bail application is filed pursuant to a crime being registered which was on the basis of the complaint filed by the mother of the victim who is now an accused in the crime which she herself had registered.

4. The second Anticipatory Bail Application being No.934/2025 is filed by the father-in-law of the victim girl, who is also brother-in-law of the father of the victim girl.

5. The third Anticipatory Bail Application being No.796/2025 is filed by the driver of the Scorpio vehicle, which had fetched the victim girl. An allegation of kidnapping has been registered against the applicant in Anticipatory Bail Application No.796/2025. It is alleged that he, not only took the girl in the said Scorpio vehicle but also kept her in the home of Mr. Umesh Kshirsagar who was his friend.

6. Today at this stage what has to be seen is whether the IO

would require the custody of the present applicants and what is the stage of the investigation. As far as the investigation is concerned, the charge-sheet has already been filed as against the three arrested accused. They are the husband of the victim girl (Omkar Jadhav), the boy who kidnapped the victim girl after she came back to her parental home, known as Kumar Kamble and the mother-in-law of the victim girl (Sarika Jadhav).

7. The learned APP, on instructions of the IO, submits that the charge-sheet as regards the other accused is already ready and will be filed soon.

8. Considering the facts of the present proceedings where the charge-sheet is already to be filed, according to me, the custody of the present applicants in Anticipatory Bail Application No.1024/2025 – parents of the victim girl, the custody of the applicant in Anticipatory Bail Application No. 934/2025 – father-in-law of the victim girl will not be necessary. Therefore, their anticipatory bail applications stands allowed.

9. As far as Anticipatory Bail Application No.796/2025 is concerned, the same being filed by the applicant – Dattatraya Bhise who was the driver of the Scorpio vehicle in which the victim girl was

carried and kidnapped by Kumar Kamble who is arrested. The said Kumar Kamble when arrested was found in possession of the revolver and also a bullet. It seems that Kumar Kamble comes from a criminal background. The applicant – Dattatraya Bhise who had kidnapped the victim girl and thereafter kept her in the house of his friend Umesh Kshirsagar. The applicant-Bhise is friend co-accused of Kumar Kamble, who is behind bars. There is a strong possibility that the present applicant must be involved in other crimes, which needs to be ascertained.

10. According to me, the physical presence of the applicant for interrogation is necessary for completion of the investigation. Moreover, the possibility of pressurizing and threatening witnesses and tampering with the evidence cannot be ruled out. According to me, the anticipatory bail application needs to be rejected.

11. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“12..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking

1 (2022) 17 SCC 391

anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

12. A similar view has been taken by the Supreme Court in the case of the *C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

13. Considering the law laid down by the Supreme Court and the facts of the present proceedings, **Anticipatory Bail Application**

2 AIR OnLine 1997 SC 797

No.796/2025 stands rejected and disposed of accordingly.

14. Anticipatory Bail Application No.1024/2025 and Anticipatory Bail Application No.934/2025 deserves to be allowed. Hence, the following order.

ORDER

(a) Anticipatory Bail Application No.1024/2025 and Anticipatory Bail Application No.934/2025 are allowed.

(b) In the event of arrest of the applicants in Anticipatory Bail Application No.1024/2025 in connection with FIR No.49/2025 registered with the Indapur Police Station, Pune Rural, the applicants shall be released on bail, on furnishing P.R. bonds to the extent of Rs.15,000/- each with one or two sureties each of the like amount.

(c) In the event of arrest of the applicant in Anticipatory Bail Application No.934/2025 in connection with FIR No.49/2025 registered with the Indapur Police Station, Pune Rural, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any

Police Officer and shall not tamper with evidence.

(e) The applicants shall furnish details of their residential addresses, contact numbers and email addresses to the Investigating Officer.

(f) The applicants shall attend the concerned police station and meet the IO on 28/4/2025 and 29/4/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called for.

15. Needless to say that violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in Anticipatory Bail Application No.1024/2025 and Anticipatory Bail Application No.934/2025 and that the trial Court shall proceed further, without being influenced by the observations made in this order.

16. The anticipatory bail applications are disposed of.

(RAJESH S. PATIL, J.)