

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

CRIMINAL APPLICATION NO.3879/2009

Pintu Bhimrao Mali.

..Applicant

-VERSUS-

The State of Maharashtra.

..Respondent

.....  
Mr.Priyal G. Sarda, Advocate for the Applicant.

Ms.M.R.Tidke, A.P.P, for the Respondent/State.

.....

**CORAM: A.PDESHPANDE, J.**

**Dated 31<sup>st</sup> August, 2009.**

PC:-

1            Heard.

2            This is an application moved by the original accused No.  
2 Pintu Bhimrao Mali for his release on bail in Crime No.77/2009  
for the offences punishable under Sections 376, 363, 366 r/w 34 of  
the Indian Penal Code registered with Mangalvedha Police Station.

3            The missing report was lodged by the father of girl that  
his daughter by name Rukmini has been missing from 26.04.2009  
and had left the house by telling her grandmother that she is going  
outside. The Complainant had gone out and had returned from  
Sangli on 27.04.2009. The missing report is filed on 28.04.2009.  
The maternal uncle of co-accused produced the co-accused Bablu @  
Mahadeo and Rukmini at the Police Station on 24.05.2009.

4            Perusal of the statement of the prosecutrix reveals that

the co-accused Bablu and the prosecutrix were knowing each other and the co-accused had expressed that he was in love with the prosecutrix and also promised to marry her. As her marriage was settled with someone else, the co-accused Bablu suggested that they should run away and perform the Court marriage. The co-accused and the prosecutrix had told the maternal uncle of the co-accused that they have performed the marriage and thereafter, stayed at the residence of the maternal uncle for a period of almost a month. However, when it was learnt that the missing report has been filed by the father of prosecutrix and the Police are in search of the prosecutrix and co-accused Bablu, the maternal uncle has produced them in the Police Station.

5           Perusal of the First Information Report and other statements on record suggests that the prosecutrix and co-accused Bablu were in love and as the prosecutrix's marriage was settled with someone from Sangli, both of them prima facie appear to have run away from the house with a view to perform the marriage. The role attributed to the present Applicant is that he helped the co-accused Bablu and prosecutrix in leaving the place by providing his motorcycle and it appears that the present Applicant had taken the co-accused and the prosecutrix on the motorcycle.

6           Barring providing the assistance to the co-accused and the prosecutrix to leave the place, no other role is attributed to the present Applicant. The investigation is over and the charge sheet has been filed.

7           Having regard to totality of the facts and circumstances, in my view the application deserves to be allowed. In the result, the

\*3\*

bail application is allowed. The Applicant shall be released on bail on executing a personal bond in a sum of Rs.10,000/- with one or two sureties in the like amount. The Applicant shall attend the Mangalvedha Police Station once a week i.e. on every Saturday between 4:00 pm to 6:00 pm till the completion of trial. The Applicant shall not tamper with the evidence and shall not contact and pressurize the witnesses.

8                   The Application is allowed and disposed of accordingly.

(A.P. Deshpande, J)