

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO.980 OF 2015.

Vijaykumar s/o Virappakshappa.

Versus.

The State of Maharashtra.

Appearance =>

Mr. Sayyed Tauseef Yaseen, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 28th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No. 40/2013 registered with MIDC Police Station, Waluj, Aurangabad District - Aurangabad for the offences punishable under Section.s. 376, 363, 366, 366(A), 506 read with 34 of the Indian Penal Code and under Section/s/ 3,5 and 6 of the Immoral Traffic (Prevention) Act, 1956 and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (Sessions Case No.230 of 2013).

[2] Heard Mr. Sayyed Tauseef Yaseen, learned counsel for the Applicant in extenso,

[3] The learned counsel for the Applicant submitted that, present Applicant is falsely implicated in the Crime. According to him, there is no

evidence against the present Applicant. He submitted that even if the statement of prosecutrix is considered then it is clear that there is variance in her statement, therefore, her statement is to be discarded. He further submitted that, medical certificate of the prosecutrix shows that there are no injuries on her person. He further submitted that since there is no chance of trial being commenced in near future, therefore, the Applicant be released on bail.

[4] The Charge-Sheet shows a sordid tale to indicate what is going on in our Society. For a few amount, persons like present Applicant are ready to indulge themselves in a trade by which they are ready to throw the innocent girl like prosecutrix in the business of prostitution. The court cannot keep blind eye, what is happening around the Society.

[5] The submissions of the learned counsel for the Applicant, may be very attractive at first blush; however, if the statement of prosecutrix is examined in its true and correct perspective, then it is clear that the present Applicant has played a vital role in purchasing the prosecutrix, who is minor girl, who was allured by the co accused – Santosh @ Suresh on the pretext of marriage and then selling her to other co-accused. Then she was taken at various places and she was forced to indulge herself in the prostitution. Against her will, she was forced to have sexual intercourse of various persons. Statement of prosecutrix would show that, present Applicant has purchased the prosecutrix by giving amount of Rs. 2 lakhs to Santosh @ Suresh Bhagwan Patmas. Not only that, on that particular point of time, he has snatched Rs.10,000/- which were kept by the prosecutrix in her bag, which she kept with her while running away from the house, upon the false promise and allurements given by Santosh @ Suresh.

[6] Material available on record in the nature of statement of prosecutrix reveals that thereafter the present Applicant has sold the prosecutrix to one lady. It is obvious that the prosecutrix may not have knowledge of name of said women to whom the present Applicant has sold her. However, merely because the prosecutrix was unable to give the name of that women, that does not mean that the prosecutrix is telling lie.

[7] Further the statement of the learned counsel for the Applicant that there is variance in the statement of prosecutrix, cannot be considered at this stage while considering the application for bail, for the simple reasons that, in her statements there is reference of the present Applicant, who not only purchased her but he has handed over the custody of prosecutrix to one lady. Obviously, therefore, first statement of the prosecutrix clearly co-relates to the fact that she was sold by the present Applicant. Merely because there is variance to state about all the particular places, that does not mean that case of the prosecutrix is false, in so far as present Applicant is concerned.

[8] This court (Coram : T.V. Nalawade, J.) on 13th March, 2015 was pleased to direct the learned Additional Public Prosecutor to place on record the affidavit to show antecedents of present Applicant if he was/is involved himself previously in similar type of offences.

[9] The learned Additional Public Prosecutor has placed on record affidavit sworn by Gautam Keshav Patare, Police Inspector, Cyber Crime Cell, Aurangabad, which shows that Crime No.3052/2009 is already registered against the present Applicant under Section.s. 3 and 4 of PITA Act at Solapur.

[10] Apart from that, it is to be noted that in the said Crime, present Applicant was enlarged on bail on 27th October, 2009. Thus, after getting him released in the said Crime, the Applicant has involved himself again by purchasing the prosecutrix in the present Crime.

[11] Totality of the aforesaid clearly show that the present Applicant does not deserve any sympathy from the court of law, since the Applicant involved himself in human trade, forcing innocent minor girl to do prostitution. Hence, Criminal Application is dismissed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)