

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

18. CRI.APPLN/6848/2014 WITH CRI.APPLN/6876/2014

RUPSINGH S/O CHIRANGI DAGOR
V/S
THE STATE OF MAHARASHTRA

Mr. K.D. Khade, Advocate for applicant in CA No. 6848/14.

Mr. R.V. Gore, Advocate for applicant in CA o. 6876/14.

Mrs. B.B. Gunjal, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 2nd March, 2015.

ORDER :

1. Both the applications are filed for bail. Both the sides are heard. This Court has perused the papers of investigation. This Court had given direction to the Investigating Officer to ascertain as to whether the applicants have permanent place of residence and there is possibility of abscondance in respect of applicant from the first proceeding viz. Rupsingh. It is informed that there is information that he is resident of Rajasthan and the address given was correct and some property is standing in the name of his father and his occupation is shown as labour. However, police could not verify the address of other applicant Rahul and there is information that he is involved in a racket of taking girls and women from Maharashtra and selling them outside of the State.

2. The crime is registered on the basis of report given by one victim lady, who is aged about 30 years, who is a widow and has one son and two daughters. Her husband died about two years prior to the date of incident. She was making earning by selling grooms at a place from Jalna. It is her case that applicant Rahul had approached her and said that he would seek employment to her in Government department. Even when she was not educated, she is illiterate, he said that he can definitely seek employment to her. After 10 days of this acquaintance, Rahul took her from Jalna to Aurangabad. There he kept the victim in his house for about two days and then he started saying that it was not possible to get employment at Aurangabad and so, they were required to go to Indore and then by using force he made her boarded in a bus proceeding to Indore, Madhya Pradesh. It is her case that some substance was given in drink and due to that, she virtually became unconscious and in that condition, she was taken out of Maharashtra. It is her case that when she was in such condition, Rahul had raped her.

3. It is the case of victim that from Indore, Madhya Pradesh she was taken to Ujjain and there another accused Raju met her. Rahul handed over victim to Raju. She was again made

to consume something and she became unconscious. When she regained consciousness, she found herself in the house of Rupsing, applicant from first proceeding. He told to victim that he had purchased her from her husband and uncle. Thus, Rahul and Raju represented themselves as the husband and uncle of victim to Rupsing. It appears that she was sold for the amount of Rs. five lakh.

4. She has made allegations that in the house of Rupsing, Rupsing and atleast three other persons were continuously harassing her and they raped her on many occasions. On one day, she somehow came out of the house and tried to escape, but she was again intercepted. Some persons noticed the incident and police were called. According to her, police then helped her to leave Rajastha and then she returned to Jalna, her native place. It is her case that when she reached Jalna, Rahul contacted her and threatened her to kidnap her issues. Then she approached the police. The crime is registered for the offences punishable under sections 376, 376-G, 366, 34 etc. of I.P.C. and under the provisions of SC and ST (Prevention of Atrocities) Act.

5. The learned counsel for applicants submitted that

there are statements of police officer showing that in June police had made inquiry with her, but she had told that she was out of State as she was arranging marriage of her relatives. Much was argued on the basis of this circumstance. Many times when destitute woman are found on a road and police do not give assistance or help, such police officer to avoid duty can give such statement. Experienced and prudent APP would not examine such police officer in the Court for proving such offence.

6. The material collected on record is sufficient for prosecution to show that the lady was actually taken to Rajasthan. Some accused are from Rajasthan though Rahul is from Maharashtra. It appears that due to drop in ratio of female fetus in the State like Rajasthan, such instances are taking place and persons like Rahul are making money. Such rackets are there. This Court has come across many such incidents. Such incidents cannot be stopped unless these persons are kept behind bars. The amount of around Rs. five lakh was taken for selling the victim in Rajasthan. There is always possibility of abscondance of such persons. If they are released on bail, they would definitely abscond. The circumstance that this Court (other Hon'ble Judge) has granted bail to Raju cannot help the applicants to get bail. There were no allegations against Raju

that he had raped the victim.

7. In the result, both the applications are rejected.

[T.V. NALAWADE, J.]

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