

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 248 OF 2015

Vijay Mansukh @ Dhanchu Thakur ... Applicant
vs.
The State of Maharashtra ... Respondents

Mr.Prabhanjay R. Dave, Advocate for the applicant
Mrs.Veera Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 24th February, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 7.10.2014 in Crime No.353 of 2014 registered at Goregaon Police Station, Mumbai, for the offences punishable under Sections 363, 365 read with Section 34 of IPC. The investigation is completed. The applicant is charge-sheeted for the abovementioned offences along with Section 376 of iPC and the provisions of the Protection of Children from Sexual Offences Act.

2. It is the case of the prosecution that on 5.9.2014, Ruksar Abubakar lodged a report at the police station, which was in the form of missing report contending therein that her granddaughter was missing from the house since 23.7.2014. Her granddaughter was found on 5.9.2014. The statement of the victim was recorded before the Child Welfare Committee. It is alleged that the

granddaughter of the complainant had met one lady by name Najma. She had given her shelter in her house and thereafter, her foster brother i.e. Umendrasingh had ravished the granddaughter of the complainant. Thereafter, the victim girl was sold to one Ramesh. Najma had received Rs.15,000/-. The victim was taken from one place to another and was ravished by several persons at the instance of Najma. Statement of the victim was recorded on 5.9.2014. She had specifically stated that on 23.7.2014, she had left the house on her own accord as she was annoyed with her grandmother. She has further stated that she had met one lady by name Najma. That Najma had given her a room for which she was to pay the rent of Rs.100/- per day. Subsequently, she could not afford to pay the rent and hence, she had gone along with her friend Reshma and was residing at Mulund (West). In the first statement, the victim has specifically stated that she has not been subjected to sexual assault by anybody whatsoever and that she is safe. On 7.10.2014, the supplementary statement of the victim was recorded in which she has alleged that she was ravished by Umendrasingh and thereafter by the present applicant.

3. The learned counsel for the applicant submits that Umendrasingh has been enlarged on bail on 31.10.2014 by the Special Court. The said order is not challenged. Hence, it has attained finality. The compilation of the charge sheet would show that the principal allegations are made against Najma and

Upendrasingh. She has specifically stated that Najma and Pappu i.e. Umendrasingh had taken her from Bandra to Rajasthan, Ahmedabad, Vadodara, etc. They had indulged into trafficking.

4. The learned counsel for the applicant submits that at the first instance, the victim has specifically stated that she was not subjected to sexual assault. The learned counsel claims parity with Umendrasingh against whom there are serious allegations besides Section 376 of IPC. The investigation is completed and charge-sheet is filed. In view of this, the applicant deserves bail.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant shall report to the concerned police station on every Sunday between 10 a.m. to 12 noon till conclusion of the trial and shall not leave Mumbai without the permission of the trial Court.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)