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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1386 OF 2015

Dilip Ramchandra Salvi

..Applicant

Vs.

The State of Maharashtra

..Respondent

Ms. Anjali Patil for applicant.

Ms. P.P. Shinde, APP for the State.

CORAM: A.S. GADKARI, J.

DATE : 24th November 2015.

P.C.

1 This is an application for bail in CR No.122 of 2015 registered with Paidhuni Police Station, Mumbai under Sections 370, 370(A), 376, 363, 343, 344 and 120-B of the Indian Penal Code.

2 The first information report has been lodged by Smt. Rehma Mohammed D. Shaikh alleging that the co-accused Smt. Seema and Ramesh in the present crime in the month of March 2015 took the complainant and some other minor girls at Ahmadabad on the pretext that a good job was available in the field of catering and the same will be provided to them. After taking the said girls to Ahmadabad, the co-accused

persons forcefully married the victim girls with the persons at Ahmadabad. The complainant somehow rescued herself from the clutches of the person aged about 40 to 50 years with whom she was forced to marry and somehow came back to Mumbai. She subsequently lodged the first information report dated 14.4.2015. After completion of investigation, the police have submitted chargesheet. During the course of investigation, the role of the applicant was revealed and he was arrested on 16.4.2015. The record discloses that on 20.4.2015 the statement of two witnesses namely Vinod Kakade and Santosh Gaikwad respectively were recorded by the police. The said two witnesses were employed as driver on the car of the applicant. The witness Vinod Kakade in his statement has stated that, in the month of October 2014 he along with applicant and his family members carried three girls to Surat at the house of Lilabai, sister of the wife of the applicant. Lilabai is the sister of Mirabai who is also co-accused in the present crime. The witness Santosh Gaikwad in his statement has stated that, in the month of November 2014 he along with applicant and his family members had been to the house of the sister-in-law of the applicant at Surat to attend obsequies ceremony and while coming back he carried six girls from the said car to Mumbai.

3 Apart from aforesaid two statements, prima facie it appears that there is no other evidence on record showing complicity of the applicant in the crime. The learned APP submitted that there is one crime already registered against the applicant bearing CR No.209 of 2015 at Manpada Police Station, Thane under Sections 448 and 452 read with Section 34 of the Indian Penal Code. It appears to me that the said crime bearing no.209 of 2015 is a totally different crime arising out the separate set of facts and has no similarity with the present crime. The role of the applicant in the present crime as has been stated above prima facie appears to be negligible and does not warrant his further custody in jail.

4 In view of the above, the applicant can be released on bail pending trial. Hence, the following order:

- (i) The applicant be released on bail on his furnishing PR bond of Rs.1 lac with one solvent surety in the like amount.
- (ii) After release on bail, the applicant shall attend the Paidhuni Police Station, Mumbai on every Monday between 10 a.m. to 12.00 noon.
- (iii) The applicant shall deposit his passport with the Paidhuni Police Station, if he so possesses.
- (iv) The applicant shall not tamper with the the prosecution evidence and/or influence the prosecution witnesses.

- (v) The application is allowed in the above terms.

(A.S. GADKARI,J.)