

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5190 OF 2016

Hakani s/o. Usman Shaikh .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.S.C. Swami, Advocate for the applicant.
Mr.S.P. Sonpawale, A.P.P. for respondent/State.

CORAM : A.M. BADAR, J.
DATED : 13.10.2016

P.C. :-

1. The applicant/accused in Crime No. 255 of 2016 registered with Latur Rural Police Station, Dist. Latur, for offences punishable under Sections 363(A) (2), 363(K) read with section 34 of the Indian Penal Code and under section 76 of the Juvenile Justice and Protection Act, 2015, by this application is seeking his release on bail, after filing of charge-sheet.

2. Heard learned Counsel appearing for the applicant/accused. He argued that the applicant is not

concerned with the crime in question. The minor was in custody of co-accused Kavita and the applicant was not concerned with the illtreatment of the minor. Learned Counsel further argued that the applicant owns a bangle shop and my attention is drawn to the certificate issued under the Shop & Establishment Act, as well as certificate of Grampanchayat, Nalegaon. It is argued that the applicant is a handicapped person having permanent address at Nalegaon. Therefore, he is entitled for bail.

3. Learned A.P.P. opposed the application by contending that the applicant is actively involved in the crime in question.

4. Perused the charge-sheet. The crime in question was registered on the basis of report lodged by Varsha Dandime. She is in-charge of Juvenile Cell of Local Crime Branch, Latur. The informant reported that she received information from one Lata Gaikwad to the effect that a minor female girl is kidnapped for the purpose of begging. According to the informant, she therefore went to the spot at Buran Nagar with police staff. At that place a minor female child named Chimi was found begging. The applicant was also found begging beside her.

5. The statement of minor female child is recorded by police. It shows that co-accused Kavita is her aunt. Minor Chimi Shinde disclosed to police that she is brought to Latur by her aunt Kavita. As per version of the minor female child, the applicant and co-accused, compelled her for begging. In order to receive more alms she was being branded by the applicant as well as co-accused Kavita.

6. Perusal of injury certificate of minor female victim, namely, Chimi Pintu Shinde shows that she was having post-burn scars on her person, over chest as well as face. Those burn injuries are stated to be grievous by the attending Medical Officer. The charge-sheet, prima facie, discloses kidnapping of Chimi, who is a minor female victim, for the purpose of begging. In that process, in order to get more alms, she was being branded by the accused along with present applicant.

7. Statement of Sadeka Pathan shows that the present applicant along with co-accused were residing together along with present applicant. The applicant used to indulge in begging along with minor female victim as seen from the statement of Sadeka. Statement of Sayyad also shows that the applicant and minor female child were begging near a Masjid.

8. Considering the nature of the offence, no case for bail is made out. The application is rejected.

[A.M. BADAR, J.]