

Criminal Application No. 5504 of 2016

District : Ahmednagar

2. Sana Suraj Duglach,
Age : 21 years,
Occupation : Labour.

Both R/o. Ashwi,
Taluka : Sangamner,
District : Ahmednagar. .. Applicants.

The State of Maharashtra,
through its Home Department. .. Respondent.

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Mr. A.Z. Gandhi, Advocate, for applicants.

Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
the respondent.

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CORAM : A.M. BADAR, J.

DATE : 25TH OCTOBER 2016

ORAL ORDER:

Applicants / accused in Crime No. I-58/2016 registered with Police Station, Ashvi, Taluka Sangamner, District Ahmednagar, for offences punishable under Sections 363, 366A read with Section

34 of the Indian Penal Code, by this application, are seeking their release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for applicants / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious as minor girl aged about 14 years and 4 months was kidnapped by the present applicant from the custody of her lawful guardian for forcing or seducing her to illicit intercourse.

4. Perused the charge-sheet. The crime in question is registered on the basis of FIR Lodged by Sugra w/o. Ramjan Pathan on 05.08.2016. She alleged that her minor daughter was taken by applicant no.2 Sana Duglach on the pretext of going for marketing but she had not returned her daughter. Informant - mother Sugra Pathan pointed finger of suspicion towards applicant no.2 Sana Duglach and her husband i.e. applicant no.1 Suraj Duglach in kidnapping her minor daughter. Ultimately during investigation, minor daughter of the informant as well as applicant no.2 Sana Duglach were apprehended at Hubli by Police.

5. Statement of female victim shows that applicant no.2 Sana Duglach had taken her to Pune where they stayed for 5 - 6 days. Then applicant no.2 Sana Duglach took her to Hubli and then to Mumbai. They both then returned to Hubli after one day. When they were leaving for Secunderabad, as per the version of the minor female victim, Police apprehended them. Prima facie it is seen that applicant no.1 Suraj Duglach is not involved in commission of the crime in question. Section 366A of the IPC requires intention to force or seduce minor girl to illicit intercourse with another person. The minor female victim was in company of applicant no.2 Sana Duglach for fairly large period. Her statement does not disclose that applicant no.2 Sana Duglach had taken any step for forcing or seducing her to indulge in illicit intercourse with another person.

6. In this view of the matter, after filing of the charge-sheet, further pre-trial detention of applicants is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) Applicants / accused, in the above crime, on their executing P.R. Bond in the sum of Rs. 15,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) As conditions of this order, applicants shall abide by the following directives :-

(i) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(ii) Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial against them.

(iii) Applicants shall not repeat commission of similar type of offences in future.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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