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

CRIMINAL APPLICATION NO.6337 2016

Sk. Gafur Sk. Hafiz,
Age: 24 years, Occ: Labour,
R/o. Dr. Ambedkar Nagar,
Tq. & Dist. Nanded. ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Ashish B. Shinde, Advocate for applicant;
Mr C.V. Dharurkar, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 14th DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 8th March, 2016 in connection with Crime No. 67 of 2016 registered with Shivaji Nagar Police Station, District Nanded, for the offences punishable under Sections 370(1), 376, 341, 506, 120(B) read with Section 34 of the Indian Penal Code and Section 3(1)(12), 3(i) W(I)(II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeks his release on bail.

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2. As per the first information report dated 7th March, 2016, the informant has stated that on 5th March, 2016 she was taken by her mother to Nanded, where four persons who were from Rajasthan had discussed about the marriage of the informant with her mother. On the next day, one of those persons paid amount of Rs.30,000/- to the informant's mother so as to facilitate the marriage of the informant. In the evening, certain documents in that regard were prepared. Thereafter, the informant's relatives went away after taking the said amount. According to the informant, they reached Vasmat Railway Station and slept at the platform. It is stated that on 7th March, 2016 the present applicant took the informant to a secluded place and had sexual intercourse with her. This was at 4-00 a.m. At 7-00 a.m. the informant informed the Station Master, after which, the accused persons were arrested and crime was registered.

3. It is submitted by the learned Counsel for

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the applicant that the informant is a married lady having three children. An amount of Rs.30,000/- was paid to her mother, which she took away. According to the applicant, the medical test conducted on the informant does not disclose any injuries on her private parts. It is submitted that as the investigation is complete and the chargesheet has been filed, further detention of the applicant is not warranted.

4. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. It is submitted that the first information report indicates instance of female trafficking and involvement of the applicant is apparent. It is submitted that the applicant is alleged to have had forcible sexual intercourse and hence, he is not entitled to be released on bail.

5. I have perused the police papers as well as the chargesheet. The statement under Section 164 of the informant reveals that she was married in the year 2008 and had three issues. Thereafter,

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she was residing at her mother's place since last two years. She has stated that the amount of Rs. 30,000/- was accepted by her mother. The medical examination of the informant conducted on the same day does not indicate any external injuries near her private parts. The act committed by the applicant is stated to be at 4.00 a.m. and complaint in that regard was made at 7.00 a.m. Considering the aforesaid facts and as the chargesheet has been filed on 29th May, 2016, the further detention of the applicant is not warranted.

6. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No.67 of 2016 registered with Shivaji Nagar Police Station, District Nanded, for the offences punishable under Sections 370(1), 376, 341, 506, 120(B) read with Section 34 of the Indian Penal Code and Section

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3(1)(12), 3(i) W(I)(II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

(ii) The applicant shall attend the Court of learned Sessions Judge, Nanded on 22nd December, 2016 and thereafter as per the directions of the learned Sessions Judge.

(iii) The applicant shall not take any steps to influence the prosecution witnesses.

7. The observations made in this order are only for the purposes of deciding present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)