

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.97 of 2016

Vajubhai Karanbhai Dongariya .. Applicant
Versus
The State of Maharashtra .. Respondent

Mrs.Anjali Patil with Mr.Arun Rajput, Advocate for the applicant.

Ms.S.S.Kaushik, APP for the Respondent State.

PI S.S.Pavkar from Pydhonie PStn present.

CORAM : PN. DESHMUKH, J.

DATED : 22nd JUNE 2016

P.C. :

1 Heard learned counsel for the parties.

2 Learned counsel for the applicant by inviting contents of FIR as well as statements of victim girls i.e. Reshma, Sunita, Shabina had submitted that there is absolutely no role attributed to applicant either by complainant or either of these victims. It is contended that in the present crime, there are in all, six accused persons out of which two are released on bail by this Court and by the learned Sessions Court, and has thus contended that application be allowed.

3 Learned APP has strongly opposed the application on the ground that applicant is the main person person who was

running a racket to export females from Maharashtra to Ahmedabad where they were forcibly sold to the customers who married with them. It is further contended that applicant was also continuously in contact on phone with one Seema who has played a major role in transporting victim girls out of Mumbai to Ahmedabad for the above purpose.

4 Learned APP has also submitted that co-accused Seema is yet to be arrested. However, this by itself cannot be ground to reject the bail. The learned trial Court while rejecting the application had noted that applicant was running a marriage bureau which is closed since 2 years and was continuously in contact with Mirabai who was supplying girls from Mumbai to Gujarat. In view of observations of learned trial Court to a specific query put to learned APP, on instructions from the Investigating Officer who is present in the Court, it is stated that from the records of Marriage Bureau, nothing could reveal involving any of the victim girls to have been seen out of Maharashtra by the applicant, and with regard to the CDR, it is submitted that though applicant is found in contact with Mirabai, no investigation is carried out with regard to the alleged conversation between the applicant and Mirabai.

5 On considering the contents of FIR as well as statements of victim girls, absolutely no involvement of applicant is found to the effect that he was, in any manner, instrumental in sending these girls to Ahmedabad or had accepted any amount. Those girls were sold to someone with whom their purchasers got married, Though from the statements of Reshma and Sunita, it

appears that they somehow returned back to their homes, limited evidence available against the applicant, as stated by the learned APP, is not sufficient to keep them behind the bar as investigation is already complete and charge-sheet is filed.

6 Having considering facts, as aforesaid, application is allowed as per order below.

O R D E R

- i) Applicant Vajubhai Karanbhai Dongariya involved in Crime No.122/15 registered by Pydhonie Police Station for the offences punishable under section 370, 370(A), 376, 363, 343, 344, 120(b) of IPC shall be released on bail on his executing PR Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one surety in like amount.
- ii) On being released on bail, applicant shall attend Pydhonie Police Station on 15th day of each month between 10.00 am to 3.00 pm.
- iii) In the event of applicant possessing any passport, same shall be deposited with the Investigating Officer forthwith.
- iv) Applicant shall not tamper with the prosecution evidence and shall attend each date of hearing.

(PN. DESHMUKH, J)