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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1701 OF 2015

Malikram Ramdev @ Nange Warma

..Applicant

Vs.

The State of Maharashtra & Anr.

..Respondents

Mr. Milan Desai i/b T.R. Patel for Applicant

Ms. Rutuja Ambekar APP for State.

Mr. A.R. Pandey for Intervener.

CORAM: A.S. GADKARI, J.

DATE : 15th February 2016.

P.C.

1 The applicant is seeking bail in CR No.I-178 of 2013 registered with Central Police Station, Ulhasnagar under Sections 363, 366, 376, 120-B read with 34 of the Indian Penal Code.

2 The FIR is lodged by Smt. Sangeeta Pandey, mother of victim girl namely Miss. Anita. At the relevant time the victim was about 15 years of age. The first informant has stated that her daughter Miss. Anita was lured and deceitfully taken to Uttar Pradesh by the applicant, his sister Ms. Chiraita on behalf of principal accused Bhure Warma. It is the further

prosecution case that the co-accused Bhure Warma was having an affair with said Miss. Anita. The record discloses that the victim girl Miss. Anita was taken into custody by the Ekouna Police Station, District-Shravasti, State of Uttar Pradesh. The statement of victim girl Miss. Anita was recorded by the Judicial Magistrate on 16.4.2013. That after the said victim girl was brought to her parental house, her statement dated 8.7.2013 was again recorded by the Central Police Station, Ulhasnagar. After completion of investigation, chargesheet is filed.

3 The learned Counsel for the applicant submitted that the allegation as against the applicant is that, he helped the said victim girl in moving from one place to another at Uttar Pradesh and Nepal. That the victim girl in her statement dated 8.7.2013 has stated that the applicant and his sister namely Ms. Chiraita accompanied her from Kalyan to Lucknow. He submitted that there is no allegation of any overact as against the present applicant. He therefore prayed that the applicant may be released on bail.

4 Mr. Pandey, the learned Counsel for the Original Complainant vehemently opposed the present application and submitted that the applicant herein is equally responsible for acts committed by the principal accused namely Bhure Warma. He submitted that in the present crime the

victim girl was a minor, aged about 14 years of age and was unable to take her own decision. That by taking undue advantage of her minor age, the applicant and other accused persons enticed her to go to Lucknow. He therefore prayed that the present application may be rejected.

5 It is to be noted here that the statement of Smt. Sangeeta Pandey is signed by one Dilip Kumar on 31.3.2013. It prima facie appears that the said statement is not in consonance with the provisions of Cr. P.C. The allegation as stated above is that the applicant helped the principal accused Bhure Warma in accompanying the victim girl at various places. The statement of the victim girl recorded under Section 164 dated 16.4.2013 also states that the present applicant accompanied her from Kalyan to Lucknow and from Lucknow the principal accused Bhure Warma took victim girl to Chandigarh at his aunt's house. The record discloses that as per the statement of an independent witness namely Ram Babandas Chandwani, the victim girl was all alone in the train from Kalyan upto Bhopal. In the supplementary statement dated 27.10.2013 the said witness has stated that he did not make any enquiry with the said girl or with any other person in the train about the same. Apart from the aforesaid statements and role attributed to the present applicant, there is no other overact attributed to the applicant in the present crime.

6 The learned APP submitted that the applicant does not have any permanent or fix place of residence in the State of Maharashtra. She on instructions further submitted that if the applicant is released on bail, he will not be available for trial and may abscond. The said apprehension of the prosecution can be taken care of by imposing stringent conditions upon the applicant.

7 In view of the above, I am of the opinion that the applicant has made out a case for his release on bail. Hence, the following order:-

(i) The applicant be released on bail in CR No.I-178 of 2013 registered with Central Police Station, Ulhasnagar on his furnishing PR bond of Rs.50,000/- with one or two local solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Central Police Station, Ulhasnagar once in 15 days i.e. on every Monday in a fortnight between 10.00 .m. to 12.00 noon till the conclusion of the trial.

(iii) After his release from jail, the applicant shall not enter the jurisdiction of Central Police Station, Ulhasnagar till conclusion of trial except for marking his presence at the said Police Station as stated hereinabove.

(iv) After his release from jail, the applicant shall furnish his proof

of residence as well as his mobile number, if any, to the Investigating Officer and the Trial Court.

(v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(vi) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)