

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2359 OF 2016

Shri Lonkaran Chothmalji Parmar ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr.Sanjay P. Shinde, Advocate for the applicant.
Mr. Y.M.Nakhwa, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 28th November, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 24.5.2016 in Crime No.290 of 2016 registered at Panchvati Police Station, Nashik for the offences punishable under Sections 342, 363, 366, 372, 373, 376 read with Section 34 of the Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act. The applicant had earlier filed an application under Section 439 of Cr.P.C. before this Court. Since the investigation was in progress, this Court had allowed the applicant to withdraw the application with liberty to approach the Court after filing of the charge-sheet.

2. It is the case of the prosecution that on 24.5.2016, Kalpana N. Singh who was 20 years old at the time of lodging of the FIR, lodged a report at the police station alleging therein that 5 years prior to the lodging of the FIR, one Sunita Gavrani, resident of Malharkhan Slum area had approached her mother and questioned as to whether she wants her daughter is to get married. On the very next day, Sunita Gavrrani had been to the house of the complainant along with Lonkaran Parmar i.e. the present applicant. Both of them had informed the mother of the complainant that there was a proposal from a boy from Ahmedabad and that they would get her married with him. The name of the proposed groom was Nitin Jain "Sanghi". The mother of the complainant was also informed that the boy is in service at Mumbai. The complainant had over-heard certain discussion between Sunita and the present applicant over exchange of money. On the very next day, Sunita and the applicant, who happens to be a resident of Rajasthan, had been to the house of the complainant and he had taken her along with her mother to Ahmedabad and they had got the complainant married to Nitin Jain. After marriage, Nitin had informed the complainant that in fact, he is the resident of Komta Village of Rajasthan. She was harassed and ill-treated by her husband. He had categorically informed her that he had purchased her for Rs.5 lakhs. She was sexually abused. He had

refused to give her status of a wife. She had given birth to two children. Nitin had abandoned the complainant and had started residing at Village Bhimal. The complainant was constrained to come back to her mother's house. The applicant is arrested on the day when the offence was registered.

3. Upon perusal of the papers of investigation, it is clear that the applicant had engaged Sunita as an agent. That they had lied to the complainant and her helpless mother that the proposed groom hails from Ahmedabad. They had hurriedly got her married at Ahmedabad and she was sent to Rajastjhan. Needless to say that the act was committed in collusion with Nitin Jain. Applicant was fully aware that he is resident of Rajasthan. The life of an young girl is ruined when she was a minor. Learned counsel submits that the complainant lived with Nitin Jain for 5 years and there is no plausible explanation for the inordinate delay. The said submission is unwarranted. The victim was helpless due to her economic condition. Moreover, she had two children. Delay cannot be fatal to prosecution in all cases.

4. The learned counsel for the applicant submits that the applicant is 55 years old. He hails from a respectable background and that he has been falsely implicated. In fact, neither the complainant nor her mother had any reason to falsely implicate the present applicant. They did not even

know the applicant as he is a permanent resident of Rajasthan.

5. Prima facie, this Court is of the opinion that this would be a case of trafficking under the garb of marriage. It also appears that the applicant and his agent had taken advantage of the economic stringency of the mother of the complainant and had found them vulnerable and had cheated the complainant and ruined her life for ever. It is in these circumstances that the applicant does not deserve to be enlarged on bail.

6. 'The learned Sessions Judge is requested to make an endeavour to expedite the trial, as far as possible and complete the recording of evidence within nine months from the date of framing of charge.

7. The observations are restricted to an application under Section 439 of Cr.P.C. The learned Sessions Judge shall not be influenced by the same at the time of trial.

Application stands rejected.

(SMT. SADHANA S.JADHAV, J.)

