

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 315 OF 2017

Baban Santu Pawar

...Applicant

Versus

State of Maharashtra & ors.

...Respondents

Mr. Sachin Pandey for the applicant.

Smt. J. S. Lohokare, APP for the respondent – State.

V. S. Totawar, Asstt. Commissioner of Police, Ulhasnagar Division.

CORAM : PRAKASH D. NAIK, J.

DATE : 07 JUNE 2017

P.C. :

1. This is an application for regular bail in connection with CR No.T-174 of 2016 registered with Ulhasnagar Police Station for the offences punishable under Sections 376, 370(2), 366, 343, 323, 506 read with 34 of the IPC.

2. The prosecution case is that one of the accused who was known to her, induced her to accompany him. She was taken to a place where arrangement of lodge was allegedly made by the present applicant. It is further alleged that the applicant took the complainant to Rajasthan and was kept in the house of one lady

named Babita. It is further alleged that she was threatened and confined at that place and was forced to marry one person named Shailesh Panchal. It is further alleged that the accused had taken an amount of Rs. Two lacs from Shailesh Panchal for arranging the said marriage. The complainant somehow managed ran away from the said place and thereafter lodged the First Information Report.

3. Learned advocate for the applicant submits that he has been falsely implicated in the crime. He further submitted that the amount of Rs. Two lacs as alleged to have been taken from Panchal has not been recovered. He submitted that the victim had accompanied the co-accused out of her willingness. He also submitted that photographs which are part of the chargesheet relating to the marriage of victim do not show that the complainant is under pressure to solemnize the said marriage. He further submitted that the investigation is completed and chargesheet is filed. He also submitted that three persons are granted bail by the trial Court.

4. Learned APP vehemently opposed the application for bail. She submitted that the accused had committed serious offence. She submits that all the accused had conspired and took the victim to Rajasthan where she was forced to marry one of the accused by

accepting cash of Rs.2 lacs. She submitted that accused Shailesh Panchal with whom the marriage was forcefully solemnized is absconding. She also pointed out that the application of the co-accused Babita Labana has been rejected by this Court by order dated 27 February, 2017.

5. I have perused the First Information Report and the documents annexed to the chargesheet. It is noted that the applicant has played major role in committing the said crime. The applicant is the person who had made an arrangement of the lodge where initially the complainant was confined. The applicant is a person who thereafter took the complainant to the Rajasthan and threatened her. The complainant / victim girl was taken to Babita and thereafter under coercion she was forced to marry Panchal. In the light of the aforesaid circumstances, and also considering the fact that the application of the co-accused is rejected by this Court. I am not inclined to grant bail to the applicant.

6. The present application is rejected.

[PRAKASH D. NAIK, J.]