

Anand

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

**BAIL APPLICATION NO.763 OF 2017**

Dharmendra Hashmukh Patel .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Ms Teja Katdare i/b. Ms Alpa Javeri, Advocate, for the Applicant  
Mrs.R.Ambekar, APP, for the Respondent No.1 – State  
Mrs.P.H.Kantharia, Advocate, for the Respondent No.2

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 03.08.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.4 of 2016 registered with the Nani Daman Police Station, for the alleged offences punishable under Sections 363, 364A, 370 & 343 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. She submits that the Applicant has not been named in the entire charge-sheet, either by

the Complainant or any other witness. She submits that only when the Complainant/prosecutrix's examination-in-chief was being recorded incamera, and the Applicant peeped in the said room, that she disclosed, that it was the Applicant who had brought her from Bangladesh. She relied on the examination-in-chief of the prosecutrix. According to the learned counsel for the Applicant, the prosecutrix has in her examination-in-chief, stated that one boy had brought her to India, telling her that she would make handsome money in India and that the same boy brought her again to Daman and thereafter, to one Roma didi.

4. Learned APP does not dispute the fact, that the Applicant has not been named in the entire charge-sheet and that his name cropped up, only when the prosecutrix's evidence was being recorded and when he peeped in the Court hall.

5. Perused the papers. Admittedly, the Applicant has not been named in the entire charge-sheet. The charge-sheet was filed as against one Deepak Hari Tandel and Reena Meva Kumar. It appears that when the examination-in-chief of the prosecutrix was recorded, she has stated that one boy (no name) had brought her to India, telling her, that she would make handsome money in India, and that the same boy brought

her again to Daman and thereafter, to one Roma didi. It appears that when her cross-examination was being recorded, one person (Applicant) was watching from the glass of the Court hall. Pursuant thereto, the learned Judge asked the prosecutrix, whether she knew the said person. The said person was called in the Court hall. It appears that it is, at this time that the prosecutrix disclosed to the learned Judge that it is, this person (Applicant) who had brought her to India. Pursuant thereto, the Applicant was taken into custody and handed over to the police for further action. Supplementary charge-sheet has been filed against the Applicant. Learned counsel for the Applicant has tendered an undertaking of the Applicant. The same is taken on record. He has stated that in the event, he is enlarged on bail, he undertakes to attend the trial Court on every date of the hearing. He has also undertaken not to leave Pardi; District-Valsad and Daman, till the trial concludes.

6. Considering the material on record qua the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

### **ORDER**

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

- (ii) The Applicant shall attend the trial Court on every date of hearing;
- (iii) The Applicant shall not leave Pardi and Daman till the conclusion of the trial;
- (iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant/prosecutrix, witnesses or any person concerned with the case;
- (v) The Applicant shall handover his passport, if any, to the investigating officer;
- (vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v) within one week of his release in the trial Court;
- (vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this

order.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**