

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

CRIMINAL BAIL APPLICATION NO. 2632 OF 2016

Babita Bahadur Singh Labana. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sanjay K. Shelke, advocate for Applicant.

Mr. Arfan Sait, APP for State.

Mr. N.M. Chougule, API, Ulhasnagar Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 27, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 27/8/2016 in Crime No. 164 of 2016 registered at Ulhasnagar Police Station for offences punishable under section 376, 370(B), 366, 343, 323, 506

read with section 34 of the Indian Penal Code and under section 3(12) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that Sunita More, resident of village-Mharal, Gurudatta Nagar, Taluka-Kalyan was rescued by the police from the State of Rajasthan as she had made a phone call to her sister explaining the trauma and the manner in which she was sold at Rajasthan to Shailesh Panchal under the pretext of marriage. On 12/8/2016 Sunita More lodged a report at the police station that she was acquainted with one Anil Yerkar as he happened to be the brother of her friend. On 11/7/2016 he had called her at Dhobi Ghat. She met him. He had taken her in his Innova Car to Jalna. At Jalna they stayed in a lodge where he had ravished her against her wish. She was made to stay in the house of Baban Pawar. She was detained in the house of Baban Pawar. After passage of 3 to 4 days, Nivrutti Raut, Baban Pawar and one unknown man came to meet.

They had threatened her. Thereafter, they travelled to Rajasthan. The unknown person happens to be the brother of the present applicant. The victim was kept in the house of the applicant at Rajasthan. There some people were invited. The victim girl was forced to accompany Shailesh Panchal. The applicant had played an active role in summoning the advocate and one Pujari to perform marriage. Photographs of marriage were taken. The victim girl was forced to accompany Shailesh Panchal to his house. She had disclosed the truth to Shailesh Panchal. He threatened her and asked her to keep quite. He had informed the victim that he had purchased her for Rs. 2 Lakhs from the applicant and her brother. One day she managed to call her sister Mayuri Desle from the cell phone of Shailesh Panchal. Mayuri Desle had informed the police about the same. Shailesh Panchal was informed on the cell phone that an offence has been registered against him and that he should send the victim to her house. Shailesh Panchal had fled and had allowed the victim to go to her house upon which she had set law into motion.

4 The learned APP submits that the brother of the applicant and Shailesh Panchal are still absconding.

5 The learned Counsel for the applicant submits that the statement of the victim was recorded under section 164 of the Code of Criminal Procedure, 1973. That there is no role attributed to the applicant. That the applicant is a woman and she deserves to be enlarged on bail.

6 Upon perusal of the papers of investigation, it is clear that the applicant and her brother are indulging in human trafficking. Girls belonging to the economically backward classes had been victimised by the applicant. Taking into consideration the role attributed to the applicant, this Court is of the opinion that the applicant does not deserve to be enlarged on bail. The application being sans merits stands rejected.

7 However, the observations are prima facie in nature and restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the trial Court shall not be influenced by the same at the time of trial.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)