

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 660 OF 2017

(DURGABAI W/O. JAMUNALAL GADWAL (GANPAT KOHAD)...VS...STATE OF MAH. THR. P.S.O. PS
PRATAP NAGAR, NAGPUR, DIST.NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Miss. Rohini Khapekar, Advocate for Applicant.
Shri A. D. Sonak, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 19th JULY, 2017.

Heard.

Crime No.219 of 2016 was registered initially against unknown person on the complaint lodged by Seema Raju Nagwanshi that her cousin sister, aged about 15 years, was abducted. As investigation progressed, name of Surendrasingh Bhimsing Tawar was shown as accused alleging that he has married with the victim (aged about 15 years) and has sexually assaulted her. The name of applicant is also added as co-accused alleging that she had been instrumental in taking the victim to Kota (Rajasthan) where the marriage is performed.

The facts on record show that the victim has filed an affidavit before the trial Court stating that she is aged about 20 years and she had gone of her free will and has voluntarily married with Surendrasingh Bhimsing Tawar. Photocopy of Adhar Card of the victim is produced by the accused on record of trial Court which shows that age of

victim is above 18 years. The Investigating Agency relies on the School Leaving Certificate to support the claim that the victim is aged about 15 years.

Be that as it may, Surendrasingh Bhimsingh Tawar is released on bail as per order passed by the Sessions Court on 3rd September, 2016. The applicant is in jail for almost 5 weeks. The non-applicant has not been able to point out that further custody of the applicant is required for investigation. The applicant (woman aged about 50 years) has stated that she is not involved in any other crime/offence.

Considering the facts of the case, following order is passed :

The applicant having been arrested in connection with Crime No.219 of 2016 registered by the non-applicant, she be released on bail on executing P. R. Bond for Rs.20,000/- and furnishing one solvent surety in the like amount.

The application is **allowed** in the above terms.

JUDGE

PBP