

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION(BA) 873 OF 2017**

(Krushna Suresh Mohane and another.vs..State of Maharashtra,
through PSO.PS.Morshi,District-Amravati)

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

Court's or Judge's orders.

Shri S.V.Sirpurkar, Advocate for applicants.

Shri T.A.Mirza, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 18, 2017

Heard learned counsel for applicants and learned
A.P.P. for State.

2] Applicant no.1 who is accused of selling his wife in
connivance with applicant no.2 and got booty distributed
amongst them are before this Court to get them released on bail.

3] The crime is registered on the basis of statement of
the victim on 31/7/2017. From the statement, since the
statement was disclosing the commission of cognizable offence
P.S.Morshi registered an offence vide Crime No.438/2017, for
the offence punishable under Sections 313,366,370,34 of the
Indian Penal Code. The victim in her report stated that on
01/02/2016 she got herself married with applicant no.1 by
fleeing away from the home in Arya Samaj at Amravati. Her
pregnancy was terminated on two occasions. The submission is
made on behalf of the learned counsel for the applicants that the
marriage took place on 01/02/2016 and pregnancy was

terminated in March-2016 so it is impossible. Though this particular submission is impressive at first blush in my view it cannot be accepted. It is clear that prior to marriage the applicant was having relations with victim. Therefore, if there was pregnancy to the victim it was natural.

4] As per report, on 21/6/2017 , the victim was taken to one Gurukrupa Hotel, Morshi by applicant no.1 her husband. That time applicant no.2 was present. That time, applicant no.2 informed victim that they are required to go to Amravati since guests “पाहुणे” were to come at Amravati. The F.I.R. states that her husband was intending to perform the marriage of victim with some third person. As per the F.I.R. on 22/6/2017 the victim was taken at Amravati by applicant no.1 alongwith applicant no.2 and one Alka Panchale who is released on bail by the learned Court below. Thereafter it was informed to the victim by applicant no.1 that they have already entered into an agreement to sell the victim for an amount of Rs. 5,00,000/-. Not only that, they have received an amount of Rs. 5,00,000/- and that amount is distributed amongst the applicants. Thereafter, victim was given in the custody of Biren Vallabhbbhai Bhimane who took her to State of Gujrat.

5] The investigation is in progress. The learned A.P.P. handed over to this Court the investigation papers which contains various representations by villagers in which the villagers are pointing out to investigating officer that in the past also the non-applicant no.2 has indulged in the activities of selling minor girl aged about 8 years. It appears that the

applicants are habituated to flesh trading business and are earning money by selling the womanhood. The applicants if released on bail, in that event, even the possibility of tampering the prosecution witnesses cannot be ruled out, as submitted by the learned A.P.P. Further looking to the nature of the offence this Court is of the view that it is a fit case wherein the Court should not exercise the discretion in favour of the applicants.

The application stands rejected.

JUDGE

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