

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

CRIMINAL APPLICATION (ABA) NO.758 OF 2016  
(Aasma Mushtaq Patel vs. State of Maharashtra)

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

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Shri A.M. Kukday, Advocate for applicant.  
Shri C.A. Lokhande, Additional Public Prosecutor for  
respondent.

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CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 25, 2017

This is an application for pre-arrest bail in  
Crime No. 105/2016 registered under Sections 366, 370,  
363, 366(A), 417, 465, 468, 471, 114 and 506 read  
with Section 34 of Indian Penal Code.

Heard Shri Kukday, learned Counsel for  
applicant, and Shri Lokhande, learned Additional Public  
Prosecutor for respondent.

Shri Kukday, learned Counsel for applicant,  
has submitted that investigation is complete and charge-  
sheet is already filed and thus, application be allowed as  
other co-accused are released on bail by this Court. In  
support of the contentions as aforesaid, copy of order  
dated 2/5/2016 passed by this Court in respect of  
co-accused Imran is relied.

Shri Lokhande, learned Additional Public  
Prosecutor for respondent, has not disputed the fact of  
release of other co-accused on bail.

It appears to be the case of prosecution that

on the basis of the report dated 25/2/2016 lodged by mother of prosecutrix, present offence is registered. As per report, co-accused Imran had taken prosecutrix from the lawful guardianship of her parents and took her to Digras. Complainant on learning this fact visited Digras and on meeting prosecutrix, came to know that Imran had introduced her with present applicant saying that she would solemnize her marriage and for that purpose, she will have to go to State of Rajasthan.

From the say of prosecution, it appears that during the course of investigation, co-accused Asha and Sanjay had acted as parents of prosecutrix and she was introduced by them to co-accused Reech Pal, Sukhdeo and Santaram from State of Rajasthan and also to one Kasturibai Chavan. On their meeting, one agreement was entered into on a stamp paper and thereafter co-accused Imran along with Sheikh Javed were taking applicant to Rajasthan. However, at Darwha as some monetary dispute arose, transaction did not take place.

Shri Kukday, learned Counsel for applicant, has sought bail on parity as roles of all other co-accused are at par with that of applicant.

Shri Lokhande, learned Additional Public Prosecutor has not disputed fact of release of co-accused on bail as stated by learned Counsel for applicant. However, it is submitted that as per medical report, on physical examination of prosecutrix, she is stated to be between 15 and 16 years. There is no document on record in respect of date of birth of prosecutrix.

In the circumstances and since co-accused

are released on bail and as investigation is complete, application is liable to be allowed on parity as per order below :

Interim order dated 22/11/2016 passed by this Court stands confirmed with further direction to applicant to mark her presence with Police Station, Digras on first day of each month initially for a period of six months and thereafter quarterly pending trial. Applicant shall not enter the territorial limits of village Arni, District Yavatmal pending trial. The criminal application is accordingly allowed.

JUDGE

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