

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

CRIMINAL APPLICATION (BA) NO.1093 OF 2016

[Ramdeo s/o Ramdas @ Premdas Agrawat @ Sadhu .vs. State of Maharashtra]

WITH

CRIMINAL APPLICATION (BA) NO.1071 OF 2016

[Aaradhana Rajaram Shivhare .vs. State of Maharashtra]

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

Court's or Judge's

Shri S.G. Joshi, Advocate for applicant in BA No.1093/2016,
Ms. Rohini Khapekar, Advocate h/f Shri Prakash Jaiswal, Advocate
for applicant in BA No.1071/2016,
Shri Vishal Gangane, A.P.P. for non-applicants-State.

CORAM : P.N. DESHMUKH, J.

DATED : FEBRUARY 07, 2017.

Heard learned Counsel for both sides.

Both these applications are heard together
and are decided by this common order as they are
arising out of Crime No.137/2016 registered by
Railway Police Station, Wardha for the offences
punishable under Sections 363, 366-A, 420, 468,
471, 120(B) read with 34 of the Indian Penal Code
and Sections 17 and 18 of the Protection of Children
from Sexual Offences Act, 2012.

Shri Joshi, learned counsel for applicant,
submitted that in this case, in fact, complainant
Smt. Sunanda Ramdas Wankhede, who has posed to
be mother of victim Pooja, aged about 17 years old,
is herself made accused. According to applicant, in
the entire report, no name is mentioned by the
complainant. It is further contended that neither of
the applicants have played any active role in
purchase of complainant's daughter and has
submitted that, in fact, co-accused Vaishali, who is

resident of Nagpur and Wadodara in Gujarat, was well acquainted with the family of applicant Ramdeo and was also aware of all the facts that applicant with an intention to marry had contacted co-accused Vaishali as he was searching for suitable girl to marry and in that view, co-accused Vaishali proposed some girl from Nagpur. Applicant thus believing on co-accused Vaishali, came to Nagpur along with sister-in-law, who is also made co-accused and is released on bail. At Nagpur, victim was shown to applicant in the presence of co-accused Vaishali, Aaradhana and Veena. Applicant and Kundan approved the girl and fixed the marriage to be performed in Gujarat. It is the case of applicant that on the request of co-accused Vaishali, applicant paid some amount for purchasing clothes and ornaments etc. as financial condition of victim's family was poor. It is the case of applicant that one document was also accordingly prepared and was shown to him as well as to accused Kundan. However, he could not understand contents thereof, since he knew Gujarati language only and in the said circumstances, when applicant along with his sister-in-law Kundan Bahen and victim girl were travelling, she all of a sudden got down from the train and lodged false report involving applicants. It is submitted that entire story put forth by applicant about his purchasing girl is totally false. It is submitted that, in fact, applicant Ramdeo himself is cheated by complainant and co-accused Vaishali with an intention to extract money from applicant and his family, whatever amount was

parted for purchasing clothes etc. and was even not aware that victim Pooja was minor. It is contended that since charge sheet is already filed in this crime, there is no propriety in keeping the applicant behind the bar.

Similar is the case of applicant Aaradhana.

Heard Learned counsel for the applicant. On reading the contents of report, it is submitted that only role attributed to her is absconding co-accused Savita and Vaishali at Nagpur when victim girl was shown to applicant Ramdeo, except for this, no overt act is attributed to Aaradhana. It is, therefore, submitted that since the investigation is complete, application be allowed.

Learned counsel for applicant has also referred to orders of this court granting bail to co-accused Kundan, co-accused Savita and Rani passed by Sessions Court and is, therefore, prayed that both the applications be allowed.

This court, while considering grant of bail to co-accused Savita and on considering documents filed with the charge sheet, held that said accused along co-accused Vaishali, Rani and Kundan held a meeting in the house of Savita where the victim girl came to be sold. Having considered involvement of said co-accused and co-accused Rani and Kundan who are already released on bail only involvement of applicant is of her remaining present with Kundan. Whereupon, victim girl is alleged to be sold. However, considering the case put forth on behalf of applicant of his coming to Nagpur to see the girl for the purpose of marriage and since

according to case put forth, it is prima facie found that applicant Ramdeo is not instrumental in any manner for purchase of victim girl for the purpose of marriage. As also co-accused Kundan, Savita and Rani are already released on bail, both the applications are, therefore, liable to be allowed by imposing suitable conditions as per order below :

The applicants shall be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in like manner.

The applicants, while on bail, shall mark their presence with Police Station Officer, Railway Police Station, Wardha once in three months on the first day of each such month between 10.00 am and 1.00 pm, pending trial.

Applicants shall produce proofs of their addresses with said Police Station and shall intimate about the change of addresses, in future.

Both Criminal Applications are disposed of.

JUDGE