

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

BAIL APPLICATION NO. 1960 OF 2018

Manoj Singh Rajaram Singh Chouhan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Rajesh More for the Applicant.

Mr.S.S.Pednekar, APP for the Respondent/State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : August 30, 2018.

P.C.

1. This is an application for bail filed by the aforesaid applicant who is arrested in Crime No. 343 of 2016 registered at Panvel City Police Station, for the offence punishable under Section 363, 366(a), 370, 370(A), 372, 373, 376(2)(I), 342, 323, 504, 506 r/w. 34 of IPC., and under Section 5(L), 6, 17 of Protection of Children from Sexual Offences Act, 2012, and under Section 3(1), 4, 5, 6(1)(2)K of Prevention of Immoral Traffic Act, 1956.

2. Heard Shri More, learned Counsel for the Applicant and the learned APP for the State. Perused the record and considered the

submissions advanced by the learned Counsel for the respective parties.

3. The aforesaid crime came to be registered pursuant to the FIR lodged by the victim, who at the relevant time was 15 years of age. A perusal of the FIR reveals that the victim is a resident of Bihar. She had come to Mumbai along with her friend Nitish Kumar. She and Nitish Kumar were planning to proceed to Goa. However, on 25th October, 2016 at about 6.00 p.m. while they were at the station, one unknown person came to the station and inquired with them as to where they were proceeding and he took them to Panvel by telling them that there is a direct train from Panvel to Goa. Lateron, he befriended them and he told them that they should work at Panvel instead of proceeding to Goa as there was possibility of police apprehending them at Goa. The applicant herein is the said unknown person whom the victim has subsequently identified in the identification parade as the person who took her to his house. The statement of the first informant prima facie indicates that the applicant herein had subjected her to rape. Subsequently, on 26th October, 2016, Bina, the wife of the applicant handed over custody of

the victim to her sister Shilpa. Said Shilpa took her to a building at Pune. Said Shilpa told her that her friends i.e. Nitish and Anjani Kumar had met with an accident and they would need Rs.2 lakhs for their treatment and she would have to arrange said money. Said Shilpa also told her that she would not be able to earn that money by doing household work. She later on took her to another building and that she induced her into prostitution.

4. The records also prima facie indicate that pursuant to the disclosure statement made by the applicant, several documents of the victim which are listed in the recovery panchanama/ seizure panchanama were recovered and attached in the presence of the panchas.

5. The material on record prima facie indicates that the applicant herein was involved in trafficking the minor girl for the purpose of prostitution. There is material on record to show that he had committed rape on the said minor girl and further with the help of the other co-accused induced her into prostitution. The offence is of serious nature. The applicant is a native of Gorakhpur, UP and there is every possibility of the applicant absconding. Hence, releasing the

applicant on bail will hamper the trial.

6. Considering all the above facts and circumstances, the bail application filed by the applicant is dismissed.

(ANUJA PRABHUDESSAI, J.)

Prasanna
Pradeep
Salgaonkar

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by Prasanna
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