

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

CRIMINAL APPEAL NO. 234 OF 2020

(LDVC CRI. APPEAL NO.582 OF 2020)

(PRITI MANISH WARJURKAR...VS. STATE OF MAH. THR. PSO PS IMAMWADA & ANR.)

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

Court's or Judge's orders

Shri Sukrut S. Sohoni, Advocate for Appellant.
Shri M.K.Pathan, A.P.P. for Respondent No.1.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : SEPTEMBER 23, 2020.

Heard learned Advocate for the appellant and the
learned A.P.P. for the respondent No.1/State.

2. The appellant, by way of present appeal, has challenged the order dated 15th June 2020 passed by learned Sessions Judge, Nagpur rejecting bail application of the appellant.

3. Crime No.335 of 2019 has been registered against the appellant under Sections 363, 370, 376, 465, 468, 471 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 as well as Sections 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Shri Sohoni, learned Advocate appearing for the appellant submitted that this Court in Criminal Appeal No. 70 of 2020 has released co-accused on bail against whom similar

allegations and role has been alleged by the prosecution and therefore, on the ground of parity the appellant also deserves to be released on bail. It is also submitted that there are no criminal antecedents to the discredit of the appellant and he is ready to co-operate with the Investigating Agency and ready to abide by the terms and conditions which would be imposed by this Court. It is also submitted that the appellant is woman and is physically challenged, hence, she deserves to be released on bail.

5. Shri Pathan, learned A.P.P. appearing for the respondent No.1/State has opposed grant of bail to the appellant. He has pointed out that there are serious allegations against the appellant that the appellant has forged documents relating to age and caste of the victim. There is material brought on record by the prosecution to support the said allegations. It is also submitted that there is material on record to show that the appellant has accepted the amount of Rs.1,70,000/- for performing marriage of the victim with co-accused Sameer.

6. Having carefully considered the order passed by this Court on 26th May 2020, reply filed by the State and the material produced by the appellant in the form of the statement of witnesses on record, we are of the opinion that the appellant does not deserve to be released on bail.

7. We have considered the order dated 26th May 2020 passed by this Court in Criminal Appeal No. 70 of 2020. As rightly pointed out by learned A.P.P. Shri Pathan, in the said appeal the submissions made on behalf of the co-accused were to the effect that the appellant himself was victim of the

crime committed by the accused Nos. 1 and 3. It was also the case of the co-accused-Sameer in the said appeal that he bonafidely believed the documents produced by the present appellant and having consulted the lawyers, he performed marriage with the victim. This Court, on the basis of the submissions in paragraph No.5 and on the basis of the *prima-facie* observation that there was dispute as regards age of the accused, released the co-accused on bail. There is active role attributed to the present appellant which has been corroborated by the statements of the witnesses at page Nos. 87, 88 and 92. There is active role attributed to the appellant of manipulating documents regarding age of the victim and accepting amount of Rs.1,70,000/- for the purpose of performing marriage of the victim with co-accused Sameer. Taking into consideration the role attributed to the appellant, the order dated 26th March 2020 passed by this Court granting bail to the co-accused, would be of no avail to the appellant.

8. Having considered the overall facts and circumstances of the case and the allegations made against the appellant that she played active role, we are of the opinion that the appellant does not deserve to be released on bail. We are satisfied that the reasons assigned by the learned Sessions Judge are valid and proper require no interference. There is no merit in the present appeal.

In view of the above, the criminal appeal stands **dismissed**.

CRI. APPLN.NO. 327/2020.

In view of dismissal of the appeal, the application praying for grant of time to file certified copy of order passed by Sessions Court, Nagpur does not survive and hence, it is **disposed of.**

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)

RRaut..