

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.259 OF 2021

Sujata Shekhar Khairnar,
Age 32 years, Occupation Household,
R/o Ambedkar Vasahat, Dattanagar,
Shrirampur Tq. Shrirampur District
Ahmednagar.

**...Applicant
(Original Accused)**

VERSUS

The State of Maharashtra,
Through The Police Officer,
Shrirampur Police Station
Tq. Shrirampur District
Ahmednagar.

...Respondent

.....
Advocate for Applicant : Ms. Sunita G. Sonawane
APP fro Respondent : Mr. A. V. Deshmukh.
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 18-03-2021.

ORDER :

1. Present applicant has been arrested in connection with Crime No.44 of 2021, registered with Shrirampur City Police Station District Ahmednagar, for the offences punishable under Section 420, 465, 468, 471 of Indian Penal Code. She has filed present application under Section 439 of Code of Criminal Procedure.
2. Heard learned Advocate Ms. Sunita G Sonawane for applicant

and learned Additional Public Prosecutor Mr. A. V. Deshmukh for respondent-State.

3. It has been vehemently submitted on behalf of the applicant that she came to be arrested on 20-01-2021 and after undergoing Police Custody, she is in Magisterial Custody since 23-01-2021. There is no direct or indirect or even circumstantial evidence against her to connect her with the alleged crime. In fact, the husband of the applicant had registered Crime No.29 of 2021 against co-accused under Section 366, 370, 371 read with 34 of the Indian Penal Code. The applicant herself is a victim but has been wrongly made as an accused the husband of the informant had made complaint that co-accused had sold her to other people. Applicant is not aware about any fraud played by the co-accused. In fact, the applicant is a labour and a poor lady. Investigation as against her has been completed and, therefore, she needs to be released on bail

4. Per contra, the learned Additional Public Prosecutor strongly opposed the application and submitted that in fact the applicant is part of a racket which is run by the co-accused and some absconding accused. The First Information Report in this case is lodged by Police Sub-Inspector Krushna Bhaginath Ghaywat

attached to Shrirampur City Police Station on behalf of State. He was invested with investigation in respect of Crime No.29 of 2021, under Section 366, 370, 371 of Indian Penal Code lodged by one Shekhar Shaberao Khairnar. He had disclosed that his wife Sujata i.e. present applicant, was taken by co-accused Anita on 09-12-2020 for catering work to Indore. She had sold Sujata for Rs.1,20,000/-. In connection with the said investigation, said Anita Kadam came to be arrested. While investigating that crime, it was revealed that said Anita and one Kundabai Shinde had taken the applicant and one Jyoti Bramhane, and told them that they should marry and they would give amount of Rs.40,000/-. After marriage they should reside there for two days and then these accused persons would come to take them back and, therefore, the girls agreed, thereafter the marriage was then performed at Indore. The investigation was conducted. It further revealed that the present applicant had performed marriage under the name Kavita Rakesh Chauhan through agent Sitaram Pal. It further revealed that the present applicant had also performed marriage with another boy, thus it was the entire racket that is operating. They were making inquiry in respect of those bridegrooms who intended to marry and the agents used to show them the girls, and by taking money from the

bridegrooms, marriage used to be performed, and then within two to three days of the marriage, those girls used to flee away from the matrimonial home. Documentary evidence has also been collected about the marriages performed by the present applicant and, therefore ultimately that is after the preliminary inquiry, the First Information Report has been lodged by Police Sub-Inspector. Possibility of involvement of the present applicant in some other crime or cheating other persons cannot be ruled out and, therefore, when the investigation is still pending, she deserves no sympathy.

5. As aforesaid, the investigation appears to be pending and the area that is required to be covered appears to be huge because one of the marriage appears to have taken place at Indore in Madhya Pradesh. Though it has been shown on the basis of the First Information Report lodged by said Shekhar Khairnar regarding the fact that the applicant was sold by the co-accused, yet it appears that the co-accused is in fact the co-accused in this case also and after the preliminary inquiry, as stated in the First Information Report, the racket was operating. They were in search of the bridegrooms and it appears that those bridegrooms were also paying money to get girls / bride. It is also stated that after the marriage

within two to four days, the bride used to run away. There are documentary evidence that appears to have been collected to show that present applicant had performed more than two marriages like this and, therefore, when the investigation is pending, the applicant does not deserve to be released on bail. Hence, application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-