

by the applicant and one Parveen, however, the same is not spelt out in the missing report dated 9th June 2019 lodged by the prosecutrix's mother. Learned counsel for the applicant submits that there are no allegations of rape by the applicant in the 164 statement of the prosecutrix. He further submits that the other two co-accused i.e. the prosecutrix's aunt as well as Parveen, who had allegedly accompanied the prosecutrix, have been released on bail/anticipatory bail.

4 Learned A.P.P opposes the application. He submits that the prosecutrix has specifically named the applicant as being the person who, after promising the prosecutrix to take her to Ajmer, had taken her to Jaora, Madhya Pradesh and sold her to one person. He submits that Section 370 of the IPC is clearly attracted.

5 Perused the papers, in particular, the statement of the prosecutrix. It is the prosecution case that the prosecutrix was married to one Najbu Sayyed on 22nd March 2019 and that after marriage, she went to reside with her husband at Rajasthan. On 4th May 2019, the prosecutrix returned to her maternal house at Nashik for the Ramzan festival. According to the prosecution, on 6th June 2019 at about 12:00 noon, she visited her maternal aunt i.e. Nasrin (original accused No. 2). The

prosecutrix has stated that her maternal aunt i.e. Nasrin told her that her husband was waiting for her at Ajmer, Rajasthan and that he had called her immediately. According to the prosecutrix, the applicant and one other woman by name Rani @ Parveen were sitting in the house. The prosecutrix has further stated that her aunt told her that it is not necessary to inform her mother, as she had already informed her that she would be going to Ajmer, Rajasthan. Pursuant thereto, the applicant and Parveen accompanied the prosecutrix for going to Ajmer. It appears that on 7th June 2019, the applicant and Parveen got down at Jaora, Madhya Pradesh and took the prosecutrix to one room and told her that she will have to marry someone. It is alleged by the prosecutrix that when she informed the applicant that she was already married, the applicant threatened her with knife and even assaulted her. In the FIR, the prosecutrix had stated that the applicant committed sexual assault on her and confined her to a room for 3 days and on 10th June 2019, the applicant and Parveen got her married to one Hemant Dhakad in a temple. The prosecutrix has further stated that the accused Hemant committed sexual assault on her from 10th June 2019 to 19th June 2019. The prosecutrix has stated that she learnt that the said accused Hemant had purchased her from the applicant and Parveen for an amount of rupees 1,50,000/-. The prosecutrix, on 20th June 2019, managed to call her uncle and disclosed the aforesaid to him, after which, the

prosecutrix's uncle contacted the police, pursuant to which, the prosecutrix was rescued and brought to Nashik.

6 In the 164 statement, the prosecutrix has stated that the applicant had taken her to Madhya Pradesh instead of taking her to Rajasthan and had sold her to the co-accused Hemant. No doubt, there is some discrepancy in the the prosecutrix's statement recorded under Section 161 and her 164 statement, with respect to allegation of rape, however, that is a matter of trial. The statements are, however, consistent with respect to allegation pertaining to 370 of IPC. The offence under section 370 of the IPC is punishable up to life.

7 Considering the material on record, this is not a fit case to enlarge the applicant on bail. The possibility of the applicant tampering with evidence/intimidating the prosecutrix cannot be ruled out. Application is dismissed.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

REVATI MOHITE DERE, J.