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

CRIMINAL APPLICATION [BA] NO. 198/2021.

Krishan Sheoran s/o Rameshwar Sheoran

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Vinod Kumar, Advocate for the Applicant.
Ms. S.S. Jachak, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 07, 2021.

Heard learned Counsel for the parties through video conference.

2. Police of Ram Nagar Police Station, District Chandrapur registered a Crime No.1559/2019 for the offence punishable under Sections 365, 366-A, 328, 376-D, 370, 323, 354, 367 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 4, 5 and 6 of the Prohibition of Immoral Trafficking Act, 1956, in which the applicant came to be arrested on 31.01.2020. The applicant has claimed regular bail by claiming false implication. Moreover, the learned Counsel for the

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applicant would submit that the incident as stated by the informant is quite vague and there is considerable delay in lodging the first information report. The investigation is complete and charge sheet has been filed.

3. The State has resisted the bail by filing reply affidavit dated 10.03.2021. It is contended that when the victim Girl was minor in the year 2010, she was kidnapped and repeatedly sold for the purpose of prostitution. The applicant has sexually abused the victim during her stay at the applicant's house. Considering the gravity and nature of accusation, the State has prayed for rejection of the application.

4. It is the prosecution case that on 29.12.2019, the victim lady aged 23 years has initially lodged report with the Women Police Station, Yamuna Nagar, Haryana which was registered as 'O' FIR and has been transferred to Ram Nagar Police Station, District Chandrapur for the purpose of investigation. Precisely it is the case of the victim that in the year 2010, while she was 11 years of age, she was misled and kidnapped by two female co-accused. She was taken to the State of Haryana and was sold for the purpose of prostitution. She was sexually exploited and was again sold to co-accused Dharmavir, with whom she was forced to marry. She

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stayed in the house of Dharmavir for 7 years and during that time brother of Dharmavir sexually exploited her. The victim further stated about the ordeal which she faced and finally as to how she got rescued and filed report with the police.

5. The victim has stated about the initial incidence of kidnapping of the year 2010 at the hands of the co-accused. Time to time she was taken at different places and was sold for the purpose of prostitution. It is her case that she was forced to marry with the co-accused Dharmavir, with whom she stayed for a considerable period. She has also begotten two issues from Dharmavir. According to the victim, during her stay with Dharmavir, the applicant who is real brother of Dharmavir, had sexually exploited her. Then victim stated as to how in the year 2018, she was again taken at different places and then she got rescued herself.

6. The entire story as narrated by the victim relates to the incident which started in the year 2010. There are no allegation against the applicant that he had kidnapped the victim or had sold her for the purpose of prostitution. The only allegation against the applicant is that he had sexually exploited the victim during her stay at marital house. The learned Counsel for the applicant had

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submitted that the victim had voluntarily married with Dharmavir and had peaceful marriage life in which she begotten two issues. He has produced certain photographs to show that the victim was happily enjoying her marital life. It is also submitted that the victim was involved in one of the crime for which proclamation has been issued by the Ambala Court.

7. It reveals that the allegations against the applicant are limited to the extent of sexually abusing the victim while she was staying at his house. Pertinent to note that the victim has neither stated the date of incident or even the year, when the alleged incident took place. The submission that the allegations are quite vague therefore, carries substance. The investigation is completed and charge sheet has been filed. There is no purpose in detaining the applicant/accused behind bars for indefinite period, since in this current pandemic situation one cannot know as to when the trial would commence. The applicant is a resident of Haryana State, therefore, the possibility of pressurizing the victim, who is staying at Chandrapur is very remote. However, in order to secure the presence of the applicant/accused for facing the trial, he can be put on certain terms while releasing on bail. In view of above, following order is passed.

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- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant/accused - Krishan Sheoran s/o Rameshwar Sheoran is released on bail in connection with Crime No.1559/2019 relating to offence punishable under Sections 365, 366-A, 328, 376-D, 370, 323, 354, 367 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 4, 5 and 6 of the Prohibition of Immoral Trafficking Act, 1956, registered by Non-applicant-Ram Nagar Police Station, District Chandrapur on his furnishing P.R Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- (iii) The applicant/accused shall not enter the territorial limits of Chandrapur District, except for the purpose of attending the Court proceedings.
- (iv) The applicant/accused shall attend each date of Trial and shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The applicant/accused shall provide his residential

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address and cell number to concerned Investigating Officer and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

JUDGE

Rgd.

**Rakesh
Dhuriya**

Digitally signed
by Rakesh
Dhuriya
Date: 2021.04.08
11:17:13 +0530