

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

CRIMINAL APPLICATION (BA) NO. 598 OF 2021

(Pawan s/o Biramchand Lodha and another ..vs.. State of Maharashtra, through PSO Ramnagar,
Chandrapur)

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

Court's or Judge's orders

Mr. A.R. Wagh, Counsel for the applicants,
Mrs. Kalyani Deshpande, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 23-07-2021

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicants are seeking bail in connection with Crime 1083/2020 registered with Ramnagar Police Station, Chandrapur for offences punishable under Sections 328, 342, 363, 366, 368, 370, 504 and 506 read with Section 34 of the Indian Penal Code.

4. In short, the case of the prosecution is that the victim, who is a divorcee, aged 38 years, was abducted by co-accused Sonam, that the victim was taken to Madhya Pradesh and sold to co-accused Arvind and Pankaj, who in turn sold her to the applicants, who are residents of a village in Rajasthan.

5. There does not appear to be any material on

record to connect the applicants with the kidnapping as such in the sense that there is no material indicating common intention etc. The allegation against the applicants is that they “purchased” the victim from Arvind and Pankaj.

6. Mr. A.R. Wagh would invite my attention to the transcript of the telephonic conversations between applicant 2-Tufansingh and the family members of the victim. The victim herself was allowed to speak with her family members. Mr. A.R. Wagh would emphasis that the victim was treated well and the only anxiety of the applicants appears to be to recover the amount paid to the co-accused, if at all. Mr. A.R. Wagh would suggest, that even if the case of the prosecution is taken at face value, for the sake of consideration of bail, the possibility that the applicants, due to ignorance or otherwise, genuinely believed that they were entitled to do what they did and in that sense are also the victims, cannot be ruled out.

7. It would not be necessary and indeed it would be inappropriate, to make any decisive observation on merits or the probative value of the material, which will have to be looked into by the trial Court.

8. Considering that the victim was not ill-treated and that the applicants are relatively young, a case is

made out for grant of bail, particularly since Mr. A.R. Wagh has sought to allay the apprehension of the prosecution that the applicants may not be available to face the trial.

9. The apprehension of the prosecution is well justified. However, Mr. A.R. Wagh assures the Court that the applicants shall furnish two solvent sureties of well to do and respected persons who are residents of Chandrapur district. This, according to Mr. A.R. Wagh, should take care of the apprehension of the prosecution that the applicants, who are based in the interior of the State of Rajasthan, may not attend the trial Court dates regularly.

10. In view of the assurance extended by Mr. A.R. Wagh, I am inclined to grant bail.

11. The application is allowed.

12. The applicants shall be released on bail on executing personal bond of Rs.1,00,000/- each with two solvent sureties of like amount, to the satisfaction of the trial Court.

13. The trial Court shall satisfy itself that the sureties are respectable residents of the Chandrapur district.

14. The applicants shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

15. The applicants shall attend each date of hearing scrupulously.

16. The applicants shall not leave the country without the permission of the trial Court.

JUDGE

adgokar