

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3376 OF 2021

Aman @ Rahul Shekhar Singh .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Ashok Bhatia for the applicant.
Mr.S.V.Gavand, APP for the State.
PI Bangar present.

CORAM: BHARATI DANGRE, J.
DATED : 3rd OCTOBER, 2022

P.C:-

1 The applicant is facing charge u/s.363, 365, 366(A),370(1)(5), 372, 373, 328, 342 r/w Section 34 IPC and Section 81, 84 of Juvenile Justice Act and Section 18 of POCSO Act.

2 The applicant came to be arrested in the present C.R on 20/8/2017 and on completion of investigation, charge-sheet is filed.

The charge-sheet compile statement of the victim girl as well as her supplementary statement and also statement of Mahi Khan at whose insance, the FIR came to be registered, as she was in touch with the victim girl.

3 From the sequence of events which has surfaced on record from the charge-sheet, it can be seen that one Gyandas Ram Saroj, resident of Amritsar, Punjab lodged a missing report informing that her daughter Simran was missing from the house. His daughter was are record in Maharashtra and she is united with the father. When the statement of the victim girl who is alleged to have been abducted is recorded, the role attributed to the applicant is of an intermediate person, when she was brought from Amritsar to Delhi and with whom she was made to stay for some point of time before her custody was transferred to accused nos.1 and 2 in Mumbai, from where she was rescued. The entire charge-sheet do not attribute the applicant a role as abductor, nor it indicate that the girl was put to sexual exploitation which would justify invoking Section 370 IPC.

In any case, since the applicant is incarcerated for more than five years, and despite charge being framed in January 2020, trial has not yet commenced, the applicant deserve his release on bail. The only anxiety of the prosecution that the applicant should face the trial, can be well taken care of. Hence, the following order :

ORDER

- (a) The Applicant – Aman @ Rahul Shekhar Singh
in connection with C.R.No.392/2017 registered
with Kashimira Police Station shall be released on

bail on furnishing P.R. bond to the extent of Rs.50,000/- with one or more sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The applicant shall attend the concerned police station on first Saturday of every trimester between 3.00 pm to 5.00 pm. The Applicant shall attend the trial on regular basis.

Absence, on any two consecutive dates, without justified reason would permit the prosecution to file an application seeking cancellation of his bail.

- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(SMT. BHARATI DANGRE, J.)