

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 446 OF 2022

Mahendra s/o Fulsingh Chhadi **Versus** State of Maharashtra, through PSO PS Shegaon, Tah. Warora, Dist. Chandrapur and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.M. Patwardhan, counsel for the applicant.

Shri T.A.Mirza, APP for the non-applicant No.1/State.

Ms Aarti Singh, counsel for the Non-applicant No.2 (appointed)

CORAM : ANIL S. KILOR, J.
DATED : 25/07/2022

1. The applicant is seeking bail in Crime No. 607 of 2021, dated 15/10/2021, registered with Police Station Lakadganj, District: Nagpur, for the offences punishable under Sections 370, 370-A, 372, 373, 376(2), 344 of the Indian Penal Code, 1860 and Sections 6,8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3,4,5,6, 7 and Immoral Traffic Prevention Act, 1956.

2. Shri Patwardhan, learned counsel for the applicant submits that the applicant is in jail since 26/10/2021, in respect of the incidences which had occurred during the period from 15/12/2017 till the date of registration of FIR.

3. It is submitted that, in this case the investigation is completed and the charge-sheet has been filed, thus, further custody of the applicant is not necessary.

4. Learned counsel for the applicant further submits that there are no criminal antecedents to the discredit of the applicant.

5. It is pointed out that, the victim twiced fled away from the custody of the Police Authorities and her mother. Thus, he submits that while considering the request of the applicant for grant of bail, the conduct of the victim may also be considered. In the above referred backdrop, he prays for grant of regular bail.

6. On the other hand, Shri T.A. Mirza, learned APP strongly opposes the present application and submits that considering the nature of offence and severity of punishment which conviction will entail, this Court may not consider the request of the applicant for grant of bail. Accordingly, he prays for rejection of the present application.

7. Ms Aarti Singh, learned counsel for the victim, reiterates the submission of the learned APP. She prays for rejection of the present application.

8. I have perused the Charge-sheet and the FIR.

9. In the FIR, the allegations are that the mother of the victim has sold her to accused No.6-Nisha on 15/12/2017. Thereafter, accused No.4-Hema got prepared bogus Aadhar Card by showing the victim as Major and engaged her in Dance Bar. The victim ran away from Mumbai but she was brought back to Mumbai. Thereafter, the accused No.6 brought the victim at Saupmadavala, District-Tonk, Rajasthan and sold her to one person Kamiza, who engaged in the business of prostitution.

10. It is further alleged that accused Nisha, Goru and Hema conspired to each other and sold the victim to accused No.8 Rina of Nagpur and she again engaged her in prostitution. Wherefrom she ran away and missing report was lodged. Thereupon, the victim was searched and handed over to her mother, wherefrom she again fled away and reached Nagpur and lodged report.

11. The present applicant is the accused No.3. Considering the allegations and the fact that the victim fled away twice and further considering the date of first occurrence i.e. 15/12/2017, I am of the opinion that custody of the applicant is no more necessary, in this case. Particularly, in view of the fact that he has undergone jail from last ten months and the investigation is already over and the charge-sheet has been filed. Moreover, there are no criminal antecedents to the discredit of the applicant.

12. As far as, the apprehension expressed by the learned APP that, if the applicant is released on bail, he may repeat the offence, the said apprehension can be addressed by imposing certain stringent conditions. Thus, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in Crime No. 607 of 2021, registered with Police Station Lakadganj, District: Nagpur, for the offences punishable under Sections 370, 370-A, 372, 373, 376 (2), 344 of the Indian Penal Code, 1860 and Sections 6,8 and

12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3,4,5,6,7 and Immoral Traffic Prevention Act, 1956, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station between 10.00 a.m. to 12.00 noon, till the culmination of trial.
- d) The State is at liberty to move application for cancellation of bail, in case of breach of any condition or the applicant repeats the similar offence.
- e) Fees of the learned counsel for the Non-applicant No.2 is quantified as per Rules.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]