

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

Criminal Application (BA) No. 962 of 2022

Shririn D/o Aziz Khan

Versus

State of Maharashtra, through Police Station Panchpaoli, Nagpur

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

Court's or Judge's Order

Ms. Rani Nitnaware, Advocate for the applicant.
Ms. Shamsi Haider, APP for the State / Non-applicant
Ms. Sheeba Thakur, Advocate for the non-applicant no.2.

CORAM : ANIL S. KILOR, J.

DATED : 19th DECEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 9 of 2022 registered with Police Station Pachpaoli, Nagpur for the offence punishable under Sections 363, 366, 343, 376(2)(n), 370, 506 read with Section 34 of Indian Penal Code.

2. The prosecution story in short is that informant lodged complaint stating therein that since last two years she is running the catering services and during that period she got acquainted with one Riya Ganesh Somkuwar, aged 19 years in Raipur, who is the

resident of Nagpur. Through Riya the complainant came to know one Anu Khan aged 23 years who was residing in the residence of Kiran Wasudeo Khadse. Then Riya used to always chat with the complainant on phone. On 20th September, 2021 the complainant received call from Anu Khan telling her that there is catering work in Jaipur (Rajasthan) and she should come to Nagpur and from there they would go together. Therefore the complainant along with her younger sister Neelam left Raipur on 21st September, 2021 and reached Nagpur on 22nd September, 2021 in the morning at 5 O'Clock. The complainant and her sister went to the house of Riya and told her that Anu Khan had called her for catering work. Thereafter, Anu Khan asked the complainant and her sister to come with her sister Mahi Khan on her Activa. The complainant and her sister reached the house of Anu Khan there they met the husband of Anu Khan Salman @ Karan Shiekh Mahi Khan, Sania Khan, Shareen Khan (present applicant) sisters of Anu Khan where present in the house. The complainant, her sister and Riya stayed at Anu Khan's house. Thereafter, Mahi and Saniya had left the house. Mahi Khan informed the complainant that Salman @ Karan Sheikh is not the husband of Anu Khan but is her boyfriend and is resident of Dongargad.

When the complainant confronted Anu Khan she told the complainant that she had left her husband and is residing with Salman @ Karan Shiekh since last six months. On 27th September, 2021 in the night around 1 O'Clock, Anu Khan and Salman asked the complainant to join them for catering work and took her to Jaipur from Nagpur. As her sister's health deteriorated therefore Riya and her sister Neelam stayed back in Anu Khan's house. On 28th September, 2022 they reached Jaipur. Salman called some Geeta and told her that they have reached Jaipur. Then they went to one Hotel and stayed there. Her sister Neelam had left for Raipur as her cousin had died and the ticket was purchased by Salman online. The complainant used to talk to Geeta and one day she asked the complainant whether she will entrap her; on that Salman intervened and changed the topic. One day the complainant was taken by Salman, Anu and Geeta to see a palace of Jaipur and from there they went to a Hotel. In Hotel Geeta's brother in law and her brother were present. Four boys come to the Hotel and where talking about marriage with Salman and she did not understand anything. After returning back the complainant asked Anu and Salman as to about whose marriage they were talking. On that Anu and Salman told her that the

complainant has to marry and she would be paid forty thousand and would also be permitted to keep ornaments. The complainant refused to act as per their say on which Any and Salman threatened her. The complainant was in constant fear and therefore the complainant agreed to what was told to her. Anu and Salman asked the complainant to meet four boys namely 1) Ahok Verma 2) Shamswaroop, 3) Sanjay 4) Fourji Sahab. The complainant was forced to marry Sanjay, Geeta, Anu and Salman told complainant that they will come and take her. Sanjay had sexual intercourse with the complainant on different occasion. The complainant resisted Sanjay's advances on which she was brutally beaten by him. The complainant was informed by Sanjay and family that they had purchased her. The complainant somehow managed to escape and asked for help to village person but they called Sanjay and then Sanjay took her to his house. Sanjay's family persons then took the complainant to Ashok Sharma's place and informed him that the complainant had fled his house with gold ornaments. Then Ashok sexually exploited the complainant. Thereafter, Sanjay asked Ashok and Shankar to return the money which he had given them. On that both told Sanjay that they will again marry off the complainant to another man.

Thereafter, the complainant was forced in prostitution by Ashok and thereafter one Soni used to frequently come to the house of Ashok and sexually exploited the complainant. Thereafter, many boys namely Sagar, Sham, Durga also sexually exploited

3. After considering the role attributed to the applicant in the alleged offence and the period of incarceration i.e. January, 2022 till 13th September, 2022 when she was released on temporary bail on medical ground coupled with the fact that the chargesheet has already been filed, I am of the opinion that further custody of the applicant is not necessary, otherwise it would be pre-trial punishment.

4. Moreover, during the period when she is on temporary bail because of her medical condition, there is no complaint of misuse of liberty.

5. In addition to this, the three co-accused have already been released on bail.

6. In the circumstances, though the learned Additional Public Prosecutor and learned counsel for the non-applicant no.2 are opposing the present application, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 9 of 2022 registered with Police Station Pachpaoli, Nagpur for the offence punishable under Sections 363, 366, 343, 376(2)(n), 370, 506 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;
- iii. The applicant shall not try to contact directly or any other mode to the victim till culmination of trial;
- iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not to tamper with the evidence;
- v. Fees of Ms. Sheeba Thakur, appointed Advocate be quantified as per rules.

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by
SACHINDANAND
K NAIR
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[ANIL S. KILOR, J.]