

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 167 OF 2023

Kuldeep Virendra Singh ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Omprakash Parihar for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 23 MARCH 2023

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 140 of 2022 registered at Nhava Sheva Police Station, Navi Mumbai for the offences punishable under Sections 376, 376(2)(N), 313, 342, 323, 504, 506 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The allegations against the present applicant and other co-accused inter-alia are of rape.

5. It appears that the present applicant and other co-accused are brothers. The prosecutrix was working as a cook in their hotel. As she was not having any place to stay, they told her to stay with them. It is alleged that one day in the month of June, the present applicant came to her room and forcibly committed sexual intercourse with her. It is alleged that the other co-accused also forcibly committed sexual intercourse with her and when she threatened to lodge the report, one of the co-accused prevented her from doing so on the pretext that he would marry her. It is further alleged that the present applicant and other co-accused got aborted the pregnancy of the prosecutrix by forcibly making her to consume certain medicines.

6. I have perused the statement of prosecutrix. Prima facie it appears to be case of sexual exploitation. It appears that the applicant and other co-accused took the advantage of her poor financial condition and treated her like a slave. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on bail. Hence, the following order is passed:

(i) Application is rejected.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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