

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 4308 OF 2021**

Ashokkumar Hanjarimal Suthar ..Applicant  
VS.  
The State of Maharashtra and Anr. ..Respondents

**WITH  
BAIL APPLICATION NO. 4323 OF 2021**

Imran Iqbalbhai Kapasiwala ..Applicant  
VS.  
The State of Maharashtra ..Respondent

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Mr. Shekhar A. Ingawale for the Applicant in BA No. 4308 of 2021.

Mr. Deepak V. Dere a/w Akshata A. Ghuge for the Applicant in BA No. 4323 of 2021.

Ms. Gayatri Takalkar for the Complainant in both applications.

Mr. S. H. Yadav, APP for the State.

API – Shivkumar Gaikwad, Miraroad Police Station.

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**CORAM : M. S. KARNIK, J.**

**DATE : FEBRUARY 23, 2023**

**P.C. :**

- 1.** Heard learned counsel for the parties and learned APP for the State.
- 2.** The bail application no. 4323 of 2021 to be de-tagged from bail application no. 4308 of 2021 and stood over to

**15/03/2023 at 4.30 pm.**

**BAIL APPLICATION NO. 4308 OF 2021**

**3.** This is an application for bail by the applicant-Ashokkumar Hanjarimal Suthar, in connection with C.R. No.0176 of 2021 dated 17/04/2021, registered with Miraroad Police Station, under sections 363, 370, 376, 376(n), 366(a), 323, 506(2) and 34 of the Indian Penal Code, 1860, sections 3, 5 and 6 of the Prevention of Immoral Trafficking Act, 1956 and sections 4, 8, 10 and 17 of the Protection of Children from Sexual Offences Act, 2012.

**4.** The victim at the relevant time was 17 years of age. The victim is currently residing at a Juvenile home. The statement of the victim came to be recorded on 30/04/2021 in which she stated that she is 17 years of age and was forced by her aunt into prostitution. She was working in a bar where she met with the applicant. The applicant and the victim became good friends. Thereafter, they had a love affair. The victim submitted that as her aunt was harassing her, the victim told the applicant to take her someplace away from her aunt and get married to her. She stated that the applicant told her that she is a minor and they should

wait for a year if they are to get married. Despite that, the victim continued meeting the applicant. Thereafter in the statement recorded before the police in question-answer form on 05/05/2021, under section 161 of the Cr.P.C. which is on page no.125 of the paperbook, the same stand was taken by the victim. In the statement recorded on 21/06/2021 under section 164 of the Cr.P.C. on page no. 401 at the paperbook, the victim resiled and stated that it is the applicant who had threatened her to narrate that it is the victim's aunt who had forced her into prostitution. The victim has taken different stands at different times. The victim appears to be of an age of understanding. The relationship appears consensual. The possibility of recording the statement under section 164 of the Cr.P.C. under the influence of her aunt, cannot be ruled out.

**5.** There are no criminal antecedents reported against the applicant. The possibility of trial commencing and concluding any time soon appears remote. Taking an overall view of the matter and considering that the applicant is in custody for the period of 1 year and 10 months, the applicant can be released on bail. Hence, the following

order.

**ORDER**

**(a)** Applicant- Ashokkumar Hanjarimal Suthar, in connection with C.R. No.0176 of 2021, registered with Miraroad Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount;

**(b)** The applicant is permitted to furnish temporary cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety;

**(c)** The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence;

**(d)** The applicant shall report to the concerned police station once a month i.e. on first Monday between 11.00 a.m. and 1.00 p.m;

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

**6.** The bail application no. 4308 of 2021 stands disposed of accordingly.

**(M. S. KARNIK, J.)**