



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 558 OF 2023

Annu @ Muskan D/o Aziz Khan

.Vs.

State of Maharashtra through Police Station, Panchpaoli, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms Rani G. Nitnaware, Advocate for the applicant.

Mr Ganesh Umale, APP for non-applicant/State.

Ms Mohini A. Sharma, Advocate (appointed) for non-applicant No.2.

CORAM : G.A. SANAP, J.

DATE : OCTOBER, 17 2023

Heard finally.

2. By this application, the applicant has prayed for regular bail in Crime bearing No.09 of 2022 registered at Panchpaoli Police Station, District Nagpur for the offences punishable under Sections 363, 366, 343, 376(2)(n), 370 and 506 read with Section 34 of the Indian Penal Code.

3. Learned Advocate for the accused No.1/applicant submitted that in this crime, there are twelve accused persons. Out of twelve accused, six accused have been released on bail. The four accused are absconding. It is submitted that the accused No.1 and accused No.5 are behind the bars. Learned Advocate submitted that charge sheet has been filed. It is

pointed out that learned Additional Sessions Judge rejected the bail application on the ground that main accused Salman who is accused No.2 is absconding. Learned Advocate submitted that further detention of the accused in this crime is not necessary. There is no material to establish the complicity of the accused No.1 in the commission of crime. Learned Advocate submitted that accused No.1 has five years old daughter. Learned Advocate submitted that the accused No.1/applicant is ready to abide by the conditions that may be imposed by the Court.

4. Learned APP submitted that accused No.1/applicant is kingpin in the commission of crime. Learned APP pointed out that the accused No.1 and absconding accused Salman had allured the victim and indulged in immoral trafficking of the victim for earning money. Learned APP submitted that without the active role of the accused No.1 and accused No.2 this crime could not have been committed. Learned APP submitted that when the victim was taken to Jaipur, she was threatened of dire consequences in case she had refused to marry with accused Sanjay. Learned APP submitted that the defence of the accused No.1 that the victim on her own accompanied the accused No.1 and 2 to Jaipur and married with accused Sanjay and later on with Mukesh, cannot be accepted in the teeth of the material compiled in charge sheet and particularly in view of the detail report given by the

victim. Learned APP in short submitted that no case has been made out for bail to the accused No.1/applicant.

5. Learned Advocate appearing for victim submitted that accused No.1/applicant is the main culprit and brain behind this crime. Learned Advocate submitted that victim girl has lost her parents. She is without any help. The main accused Sanjay is absconding. It is submitted that the accused No.1, considering the role played by her, if released on bail may tamper with the prosecution evidence.

6. I have gone through the record and proceedings. It is seen on perusal of the record that the accused No.1 and absconding accused Salman are main culprits in this crime. They were instrumental in bringing the victim from Raipur to Nagpur and for taking the victim Nagpur to Jaipur, where she was forced to marry with accused Sanjay. The victim in her report has narrated in great detail the chronology of the events. It is seen that the detail account of the incident narrated reveals the prominent role played by the accused No.1. Accused No.1/applicant being a woman played an important role in alluring the victim for the purpose of immoral trafficking. It is seen on perusal of the record that she was present at the time of marriage of the victim with Sanjay. The victim in her report has narrated the threats extended to her by the accused No.1/applicant as well as absconding

accused No.2-Salman.

7. Considering the serious nature of the crime, in my view, this is not a fit case to enlarge the accused No.1 on bail. It is seen that after marriage of the victim with Sanjay she was sexually exploited. It is further pertinent to mention at this stage that if she was a consenting party then she would not have left Jaipur.

8. In the facts and circumstances, I am not inclined to grant the application. The application is accordingly rejected.

9. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)