



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1909 OF 2025

Kiritbhai Sulemanbhai Wankar

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. Reddy Ajinkya
APP for Respondents: Mr. P.D. Patil.

CORAM : MEHROZ K. PATHAN, J.

DATE : 20TH NOVEMBER, 2025.

P.C. :-

1. The applicant is seeking his release on regular bail in connection with Crime No. 186 of 2025 registered at Visarwadi Police Station, Dist. Nandurbar for the offences punishable under Sections 137(2), 143, 3(5) of the Bhartiya Nyaya Sanhita.

2. The incident is reported on 16.6.2025. The informant lady claims that on 11.06.2025, around 10.30 a.m. her daughter Ankita informed her by calling her on phone number of her younger daughter that, she is going for Nursing course. However, she did not return. Hence, a Missing Report 47 of 2025 was registered at City Police Station, Nandurbar. On 15.6.2025, inquiry of above girl was made with her friend and she informed that the missing girl came at her house on 10.6.2025 around 10.30 a.m. She and her friend resided there, wandered in village Khandbara, then came back to Chinchpada and again

went at Khandbara with baggage. While going there, the missing girl told her that she is going to marry one boy and the friend reached at Khandbara. She claimed ignorance where the missing girl went from Khandbara. Accordingly, crime for kidnapping was registered. Thereafter, the applicant Parth was arrested with other accused.

3. It is the submission of learned counsel for the applicant that the applicant had a limited role of introducing the victim girl to the boy Parth, with whom the victim girl, i.e. daughter of complainant had spent a period of 5 days. The applicant was only present at the time when the girl visited Gujarat, where, it was informed to the applicant to find a proper match for the girl and, therefore, Parth was introduced by applicant for marriage. It is further submitted by the learned counsel for the applicant that apart from the aforesaid allegation, about the applicant being present, there is no overt act attributed as against the present applicant, either committing forcible sexual intercourse with the minor victim girl or any allegation about trafficking of the victim girl, while the victim was having ample time with her to inform if such kidnapping or trafficking was committed by the applicant.

4. The learned counsel further submits that the FIR itself would show that the friend of victim – Neha had actually trapped her and victim had informed her that she was going to get married and she is leaving for Gujarat. He, therefore, submits that the prosecution is suppressing the actual story and is projecting a different one, however, there is no such evidence to connect the complicity with the crime. He further submits that the victim being major and a student of Nursing course and her statement under Section 164 would show that the victim was having a mobile , when Parth and family members had actually stopped her from running away from Gujarat. The mobile phone was never used by her, neither she complained about the forcible marriage

either to the police authorities to the person who was notarizing the affidavit which is on record. Applicant's signature is not found in the notarized agreement of marriage. Moreover, statement of one Dipak Chaudhary, Notary who has executed the affidavit of marriage, does not make a mention about present applicant. He , therefore, submits that the applicant has deep roots in the society and a family to look after and undertakes to abide by any condition that may be imposed by this Court. The applicant is arrested on 21.06.2025. The investigation is complete and charge sheet is filed. As such, further detention of the applicant may not be necessary. The applicant is ready to provide a local surety to allay the fear of the prosecution that the applicant may flee away from the ends of justice. He, therefore, submits that the applicant may be released on bail.

5. As against this, learned APP vehemently opposes the present application on the ground that the applicant is involved in a serious offence which is registered for human trafficking. There is a racket operating in other States of taking girls to Gujarat for marriage. There is ample evidence collected by the I.O. so as to bring home the guilt of the applicant. Though co-accused Rohit is also having one offence under the POCSO Act registered against him. The statement of the victim under Section 161 of Cr.PC. shows that there are direct allegations against the applicant that he was paid an amount of Rs. 4 Lakhs by Parth for the victim being given in marriage. Therefore, looking to the nature of allegations and also that applicant being a resident of Gujarat may flee away from the ends of justice and may not be available to report, thereby causing prejudice to the prosecution case. As such, the application may be rejected.

6. Having considered the charge sheet filed alongwith the application and the statement of the victim girl under Section 161 of the

Cr.P.C. as well as the statement under Section 164 of Cr.P.C., recorded before the Magistrate, there is serious discrepancy in so far as the role of the present applicant is concerned. The fact of paying Rs. 4 Lakhs is not mentioned in the statement under Section 164 of Cr.P.C. Moreover, the girl spending 4 days with Parth is also not stated in her statement under Section 161 of Cr.P.C.. Perusal of the statement of Deepak Chaudhari shows that the applicant was not present at the time of executing the affidavit which was notarized by said Dipak Chaudhary. The FIR shows that the victim girl has stated that she is going for marriage to Gujarat. Thus, there is serious doubt about the prosecution story. However, these observations are prima facie in nature and made only for the purpose of deciding the present application and may not affect any proceeding before any other court.

7. Looking to the nature of allegations against the applicant and willingness of the applicant to provide one local surety to allay the fears of prosecution of fleeing away from the justice, I am inclined to release the applicant, however, by imposing stringent conditions. Hence, the following order.

ORDER

[I] The application is allowed ;

[II] The applicant – Kiritbhai Sulemanbhai Wankar, be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 1,00,000/- with ONE OR TWO LOCAL SURETIES, in connection with Crime No. 186 of 2025 registered at Visarwadi Police Station, Dist. Nandurbar for the offences punishable under Sections 137(2), 143, 3(5) of the Bhartiya Nyaya Sanhita on the following conditions :-

[i] The applicant shall not tamper with the prosecution evidence; and shall not influence the witnesses.

[ii] The applicant shall attend the Police Station Officer on 1st day of every month, till completion of trial and shall attend the trial court on each and every date of trial, except in case of emergency, wherein, he would be required to seek permission of the learned trial Judge.

[iii] The applicant shall furnish his Aadhar Card and Pan Card alongwith their present address and phone numbers and addresses of the applicant's two near relatives to the I.O.

[iv] A single reported incident of non compliance of the conditions imposed by this order, the prosecution shall be entitled to seek cancellation of bail and appropriate order.

[v] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-