

**Order below Exh.1 in Cri. Bail Application No.1233/ 2022**

1/- **Badrilal Ratanlal Malviya @  
Balai & 1** .. Applicants  
Accused.

Vs.

The State of Maharashtra  
through PI Panchawati Police St. .. Respondent.  
Nashik. (Cr. No. I 178/2022)

**Order below Exh. 1**

1. The applicant/accused **Badrilal Ratanlal Malviya @ Balai and Kailas Ambaram Malviya** claims bail in C.R. No. I-178/2022 for the offences punishable under Sections 363, 366-A, 370, 370-A, 376(2), 376-D r/w. 34 of the Indian Penal Code and under Sections 4, 6, 8 & 12 of the POCSO Act and u/s. 9 of the Prohibition of Child Marriage Act registered with Panchawati Police Station, Nashik.

2. Heard Learned Advocate Shri P.R.Shejwal, for the applicants and learned A.P.P. Smt. Sangale for the State. The victim was already heard in previous bail application. Perused the papers of investigation.

3. It is the case of the prosecution that the applicants facilitated other accused in kidnapping minor victim and illegally performed her marriage with accused No.1. Victim is only 12 years old. She was sexually ravished and is pregnant out of such relations.

4. On perusal of record, it reveals that missing report was lodged by the uncle of victim that his niece left the house without giving intimation to anyone and was not found though they searched for her in the vicinity. It reveals that the victim is only 12 years old. Bonafide certificate to that effect is obtained from the school of victim. Statement of the victim reflects series of incident as to how she was kidnapped and sold to the accused. She has specifically stated about sexual exploitation by the accused No.4. Victim was present in the Court. Her age can be ascertained even at a glance. Victim was carried to Madhya-Pradesh by the other accused.

5. Learned Advocate for the applicants submitted that the applicants have no concern with the other accused. They were cheated by the main accused by pretending that the victim is major girl. Therefore, they have shown proposal for her marriage. They do not have any intention to commit crime nor they are beneficiaries of the transaction of alleged sell of the victim. Further, it is contended that now, charge-sheet is filed and thereby investigation is complete. No purpose would serve by keeping the applicants behind bar. Therefore, learned Advocate for the applicants requested to release the applicants on bail.

6. Learned APP specifically pointed out that the applicants played active role in commission of crime. Charge-sheet is filed on record. Statement of the victim clearly indicate role of the applicants as to how they facilitated the commission of offence. Record reflects that the victim has specifically quoted these applicants and their involvement in whole procedure. Prima facie record reflects that they

are also beneficiaries and acted as tout. Other offenders mainly, accused No.1, 2 & 3 are found to be habitual offender and involved in another offence of the same nature. Possibility of formation of racket for immoral trafficking, selling minor girls of tender age for unlawful gain cannot be ruled out.

7. The offence alleged committed by the applicants and other accused is very much serious in nature. Poor victim girl is sexually exploited and now, found to be pregnant. Her life is spoiled. Even though charge-sheet is filed, considering the nature of offence to be very much heinous and that maximum punishment contemplated under the Act can extend upto imprisonment for life, their bail application would not sustain. Victim belongs to very poor background. If the applicants would be released on bail, there is every possibility that they may pressurize the victim and tamper with the evidence. Applicants are resident of Madhya-Pradesh. If they would be released on bail, they may flee away from justice. Thus, viewed from any angle, applicants are not entitled for grant of bail. Hence, the order.

**O r d e r**

Application Exh.1 stands rejected.

Nashik.  
Date : 17.10.2022.

(Aditee U. Kadam)  
Additional Sessions Judge-2,  
Nashik.