

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

CRIMINAL APPLICATION (BA) NO.606/2019

Meena w/o Balu Kshirsagar .vs. State of Maharashtra through PSO P.S.
Hudkehswar, Nagpur.

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

Court's or Judge's orders.

Mr. C. R. Thakur, Advocate for applicant.

Mr. V. P. Gangane, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 20, 2019

The present application is for grant of regular bail. Heard Mr. Thakur, learned counsel for applicant and Mr. Gangane, learned A.P.P. for non applicant-State. I have also perused the charge-sheet.

During the course of submissions, when this Court shown its inclination to reject the application, Mr. Thakur, learned counsel for applicant, seeks permission to withdraw the present application.

Normally, Courts grant permission to withdraw the applications. However, in the present case, looking to the fact that a minor girl was sold for Rs.1,00,000/- at Rajasthan and looking to the seriousness of the offence, this Court turns down the request of learned counsel for withdrawal of present application.

At the time of initiation of the offence, the victim girl was minor and was not able to extend any type of consent. FIR was lodged by Uma, mother of the victim. FIR is dated 03.07.2016. Initially the offence was registered

under Section 363 of the Indian Penal Code. During investigation, it was revealed that victim was sold in Rajasthan for monetary consideration and was married to co-accused Surendra. After girl was traced, she was brought and her statement under Section 164 of the Code of Criminal Procedure was recorded.

Perusal of statement under Section 164 of the Cr.P.C. shows that she has attributed a specific role against present applicant, who took her from Nagpur to Rajasthan and took steps to sell the girl to Surendra. The charge-sheet was filed for an offence punishable under Sections 363, 366-A, 370, 370 (A), 376 read with Section 34 of IPC and Section 4 of Protection of Children From Sexual Offences Act.

Human trafficking is one of the most serious and heinous offences. Merely because applicant is a lady and charge-sheet is filed, that cannot be reason for releasing applicant on bail, when her active role was revealed during the course of investigation and it is available in investigation papers that she has sold the girl and though she was minor, against her wish, she was required to marry with co-accused, who committed regular sexual intercourse with her.

In view of this, I do not find any reason to grant any discretionary relief in favour of the applicant.

The application is, therefore, rejected.

JUDGE