

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.595 OF 2022

(LAXMAN PARIYA KANJAR...VS.. STATE OF MAH. THR. PSO PS LAKADGANJ, NAGPUR & ANR.)

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

Court's or Judge's orders

Shri A.S.Moon, Advocate for Applicant.
Shri A.R.Chutke, A.P.P. for Non-applicant No.1/State.
Ms Anuprita Mishrikotkar, Advocate (Appointed) for N.A. No.2.

CORAM : ANIL S. KILOR, J.
DATED : SEPTEMBER 06, 2022.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.143 of 2021, registered with Police Station, Lakadganj, Nagpur for the offences punishable under Sections 344, 346, 365, 366(A), 368, 370, 370(A), 372, 373, 376(2), 376(AB) of the Indian Penal Code and Sections 4, 6, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3, 4, 5 and 7 of the Immoral Traffic Prevention Act, 1956.
3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence and he is noway connected with the alleged offence. It is further submitted that the applicant was not named in the F.I.R. Accordingly, he prays for grant of bail.

4. The learned counsel for the applicant argues that in this case the investigation is completed and the charge-sheet has been filed and as such further custody of the applicant is not necessary.

5. On the other hand, the learned A.P.P. strongly opposed the application and submits that there is incriminating material available on record to show the involvement of the applicant.

6. The learned A.P.P. has drawn attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and submits that the statement is sufficient to show the role and involvement of the applicant in the alleged offence. It is submitted that the offence is serious as it relates to immoral trafficking. Accordingly, he prays for rejection of the present application.

7. The learned counsel for the victim reiterates the submissions of the learned A.P.P. and prays for rejection of the present application.

8. I have perused the charge-sheet and the application.

9. The Age Estimation Report shows that the victim was 16 to 17 years old in the month of April, 2021

i.e. on the date of the report. The Medical Report also supports the case of the prosecution about sexual assault. The statement of the victim recorded under Section 164 of the Code of Criminal Procedure is sufficient to show the involvement of the applicant in human trafficking. The victim has attributed specific role of the applicant in her above referred statement.

10. Thus, considering the material collected by the Investigating Officer during investigation, coupled with the nature of the offence and severity of the punishment, I am of the opinion that the applicant is not entitled for grant of bail. Accordingly, I pass the following order:

The application is **rejected**.

The fees of the Advocate appointed to represent the non-applicant No.2 be quantified as per the Rules.

JUDGE

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