

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

Criminal Application (BA) No. 656 of 2022

Rahul @ Moreshwar Dajiba Nimje

Versus

State of Maharashtra, through Wathoda Police Station, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.K.Nankani, Advocate for the applicant.

Shri V.A. Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 4th JULY, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 101 of 2022 registered with Police Station Wathoda, Dist. Nagpur for the offence punishable under Sections 370, 198, 419, 465, 466, 467, 471, 120(B) read with 34 of the Indian Penal Code, Sections 75 and 81 of the Juvenile Justice Act and Section 33(1) of the Maharashtra Medical Practitioners Act.

2. Learned counsel for the applicant submits that applicant has no way connected with the alleged offence and he has been falsely implicated in the alleged offence. He submits that there is nothing on record to

show that the applicant is involved in selling of minor girl and in absence of any such evidence, keeping him in jail for uncertain period would amount to pre-trial punishment.

3. He further submits that as far as criminal antecedents are concerned in one of the matters he was acquitted and other cases are pending and therefore he submits that those cases are not relevant to consider the present case for grant of bail.

4. He lastly submits that the investigation is over and chargesheet has already been filed, hence, his further custody is not necessary and as such he prays for grant of bail.

5. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that the statement of witnesses, antecedents of the applicant and other material are sufficient to show the involvement of the applicant in the alleged offence. He submits that the offence is very serious and maximum punishment in this case would be upto life. He accordingly prays for rejection of the present application.

6. I have perused the chargesheet, First Information Report and the reply filed by the State.

7. The allegations made in the First Information Report are very serious and the evidence collected by the Investigating Officer during the investigation, *prima facie* shows the involvement of the applicant in the alleged offence.

8. In this case, the allegations against the applicant is that after Monali gave birth to the female child at Cure Hospital, the applicant contacted many prospective purchaser of child and demanded money from them. Thus, the applicant is involved in selling of five days female child.

9. Further the criminal antecedents against the applicant shows that earlier also two cases were registered against the provisions of Immoral Traffic (Prevention) Act, 1956.

10. Thus, considering the seriousness of the offence and severity of punishment in the light of material available on record, I am not inclined to grant bail. Accordingly, I pass the following order.

i. Criminal application is rejected.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.07.05
17:59:42 +0530