



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

CRIMINAL APPLICATION (BA) NO.612 OF 2023

Pinky Rajesh Nagdev

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Koradi, District Nagpur

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

Court's or Judge's orders

Ms. Deepali Sahare, appointed Advocate for applicant.

Mr. A. B. Badar, APP for respondent No.1/State.

Ms. Falguni Badani, appointed Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/04/2024

1. The applicant came to be arrested on 04.12.2022 in connection with Crime No.355/2022 registered with Police Station Koradi, District Nagpur for the offences punishable under Sections 366(A), 376 of the Indian Penal Code and Sections 4, 6, 8, 10, 12 and 16 of the Protection of Children from Sexual Offences Act, 2012 and Sections 4, 5 and 7 of the Immoral Traffic (Prevention) Act.

2. The accusation against the present applicant is on the basis of report lodged by the Police Constable namely Reena Sunil Jaurkar. It is alleged that the information was received by them regarding financial gain from the sex trade, therefore they have conducted the raid on the basis of the said information, near Arya Nagar at around 3.00 p.m. They have sent one decoy customer with an understanding and said decoy customer visited one flat wherein the present applicant was found. During

the investigation, the statements of the girls were also recorded from which it reveals that the present applicant lured the girls for sexual activities and they are indulged in the sexual trade at the instance of the present applicant. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the involvement of the present applicant in a sex trade is concerned, there is no material collected by the investigating agency to show her involvement in a sex trade. She further submitted by inviting my attention towards the recitals of the FIR as well as the statements of various witnesses and submitted that the offence under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act is also not made out. Now, the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, she be released on bail.

4. Learned APP and learned appointed Counsel for the respondent No.2 strongly opposed the said application on the ground that the involvement of the present applicant revealed in the illegal human trafficking. The minor girls were trafficked for the sex trade and the statements of the witnesses show the involvement of the present applicant. During the trap also the applicant was

found at the place along with the another girl. Thus, the involvement of the present applicant revealed and there is a *prima facie* evidence against her. Now, the trial is already commenced, in view of that, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State and learned appointed Counsel for the respondent No.2, perused the recitals of the FIR. From the recitals of the FIR, it reveals that after receipt of the reliable information the raid was conducted and at the time of raid, present applicant was found along with the girls. The statement of the girls are also recorded from which it reveals that present applicant is involved in a sex trade and human trafficking of the girls for the purpose of the said sex trade. The statement of various police personnel are also recorded from which also the presence of the present applicant was revealed at the time of the trap. Thus, considering the *prima facie* case is made out against the present applicant and the trial is already commenced, the application deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

- (1) The application is rejected.
- (2) The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)