



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

**CRIMINAL APPLICATION (BA) NO. 331 OF 2025**

Sima Bhim Chapariya Vs State of Maharashtra

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

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Court's or Judge's Order

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Mr. M.N. Ali, counsel for the applicant.

Mr. Anant Ghogare, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 15/04/2025.**

1. The applicant came to be arrested on 06/04/2023 in connection with Crime No. 100/2023 registered with Police Station M.I.D.C. Butibori, Nagpur for the offence punishable under Sections 370 read with Section 34 of the Indian Penal Code, 1860, and Sections 75 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The crime is registered on the basis of a report lodged by informant Samadhan Bajbalkar, Assistant Police Inspector, Crime Branch Detection, Nagpur City, against total 4 accused persons, including the present applicant. As per the allegation, accused Nos. 6 and 7 were involved in human trafficking and purchased the infant daughter, aged 10 days, of one Sarika by paying her Rs. 2,50,000/- to the co-accused persons. The accused Nos. 6 and 7 entered into the illegal activities with co-accused persons regarding the adoption of a child.

That the infant was unwanted by its mother, and the co-accused persons conducted a racket of human trafficking for selling such infants. The present applicant has introduced the other co-accused by assisted them to sell the said child and involved in human trafficking. On the basis of said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the initial bail application was withdrawn with liberty to approach this Court after six months. After approximately one year, there is no progress in the trial. The applicant is behind bar since the date of arrest, and charges are yet to be framed. The trial will take its own time for its final disposal, and the right of the present applicant as to a speedy trial enshrined under Article 21 of the Constitution is affected. In view of that, he prayed for grant of bail.

4. Learned APP strongly opposed the said application and submitted that the involvement of the present applicant is involved in human trafficking, and the offence is of a serious nature, if the applicant is released on bail, she would indulge herself in a similar type of offences, in view of that, the bail application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that accused No. 5 Sarika,

has delivered a female child, and accused No.4 i.e. applicant, induced accused No.5 Sarika to sell her child for getting huge amount. Accordingly, by obtaining the amount of Rs. 2,50,000/- child of the accused No.5 was sold. Thus, involvement of the present applicant was revealed in the human trafficking. Another ground raised is delay in trial. Admittedly, the applicant is arrested on 06/04/2023, earlier bail application was withdrawn with liberty to approach after six months. Even after one year, there is no progress in the trial, and even the charges are not framed. The Roznama, which is filed on record, shows that the accused, who was already released on bail, remained absent, and therefore, the trial is not progress. From the Roznama, it nowhere reveals that the Special Court has taken any efforts to secure the presence of the accused and framed the charge.

6. The Hon'ble Apex Court has considered the aspect of the right of the applicant regarding the speedy trial. The learned counsel for the applicant has placed reliance on *Javed Gulam Nabi Shaikh vs The State of Maharashtra and another [(2024) 9SCC 813]*, wherein it is observed that if the State or any prosecuting agency, including the Court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the

Constitution applies irrespective of the nature of the crime.

7. In view of the above observations of the Hon'ble Apex Court and considering that even charges are not framed within two years, the right of the present applicant as to the speedy trial enshrined under Article 21 of the Constitution of India is affected, and therefore, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicant – ***Sima Bhim Chapariya*** shall be released on bail in connection with Crime No. 100/2023 registered with Police Station M.I.D.C. Butibori, Nagpur for the offence punishable under Sections 370 read with Section 34 of the Indian Penal Code, 1860, and Sections 75 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either physically or through electronic media.

- d] The applicant shall attend the proceedings before the Sessions Court without seeking any exception unless there are exceptional circumstances.
  - e] The applicant shall not indulge herself in similar types of activities, and a single incident reported would lead to the cancellation of bail.
8. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]