



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

CRIMINAL APPLICATION (BA) NO.606 OF 2025

Sima Parvin Abdul Rauf Ansari

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Yashodhara Nagar, Nagpur

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

Court's or Judge's orders

Mr. A. R. Rawlani, Counsel for the applicant.

Ms. M. A. Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/07/2025

1. The applicant came to be arrested on 02.02.2023 in connection with Crime No.42/2023 registered with Police Station Yashodhara Nagar, Nagpur for the offence punishable under Section 370 read with Section 34 of the Indian Penal Code and under Sections 75 and 81 of the Juvenile Justice Act.

2. Heard learned Counsel for the applicant, who submitted that the informant Assistant Police Sub-Inspector Ajay Gajre, who was member of investigation team in Crime No.639/2022, on the basis of his report, police have registered the crime. During police custody remand of the said crime, co-accused Yogendrakumar Prajapati informed the police that in the month July 2022, his wife Rita Prajapati delivered her 5th child, namely Varsha at the General Hospital, Wardha. However, as the couple was poor and had already four children, they with the

help of the present applicant and other co-accused sold said daughter Varsha to one Sweety Gajbhiye, who is resident of Nagpur for the consideration of Rs.60,000/-. On the basis of the said report, police have registered the crime. He submitted that as far as the accused Nos.1 and 2 are concerned, they are already released on bail. The investigation is already completed, trial is not yet commenced and considering the trial is not yet commenced, the right of the present applicant as to the speedy trial is violated and therefore, the applicant be released on bail.

3. Learned APP strongly opposed the said application and submitted that the applicant has not mentioned about his criminal antecedents in the application. The similar types of crimes are registered against the present applicant. She is involved in the offences like trafficking of the child repeatedly. Thus, if she is released on bail, she would tamper the prosecution evidence and therefore, the application deserves to be rejected. She further invited my attention towards the various statements of one Kalpana Hedau, Heena Sheikh Rukhasana Sheikh and etc. and from the statement of the witnesses shows that the present applicant was also part of the said conspiracy, who conspired to kidnap the said child and thereafter to sell it. Thus, her involvement is revealed in the human trafficking. In view of that, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals that one couple namely Yogendrakumar Prajapati and his wife Rita Prajapati have begotten one female child and given to the present applicant and other co-accused. It was sold out by the present applicant and other co-accused by conspiring the same. The statements of the various witnesses shows the involvement of the present applicant in the alleged offence. The crime chart shows that against the present applicant and other co-accused similar types of the offences are registered. Thus, the involvement of the present applicant in the offences like human trafficking reveals. Not to traffic is a human right, came to be violated at the hands of the present applicant. Considering the nature of the offence that a small newly born child was trafficked and in the said trafficking the involvement of the present applicant revealed and the trial Court has already kept the matter for hearing. Thus, the trial can be commenced at any point of time, in view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)