



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

CRIMINAL APPLICATION (BA) NO.664 OF 2025

Sunita wd/o Vilas Sirsath

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Kotwali, District Nagpur and another

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

Court's or Judge's orders

Mr. L. B. Khergade, Counsel for the applicant.

Ms. M. A. Barabde, APP for non-applicant No.1/State.

Mr. A. K. Sorde, Counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/08/2025

1. The applicant came to be arrested on 06.03.2025 in connection with Crime No.423/2024 registered with Police Station Kotwali, District Nagpur for the offence punishable under Sections 143(2)(4), 3(5) of the Bharatiya Nyaya Sanhita 2023 and under Sections 4, 5, 7 of the Immoral Traffic (Prevention) Act and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of report lodged by the Police Head Constable Ajay Paunikar serving at Social Security Department, Crime Branch, Nagpur, on an allegation that they received a secret information that the present applicant is involved in immoral traffic at the house of another co-accused, therefore, they conducted a raid

and one minor girl and one major woman was found at the spot. During inquiry with them, it revealed that they were used for human trafficking. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned Counsel for the applicant, who invited my attention towards the statements of the two victims, one is a major and the other is a minor. He submitted that the entire allegations are levelled against the co-accused and not against the present applicant. At the most, the statement recorded of the minor victim girl shows that she visited the house of the present applicant, but she was called by the other co-accused and she was sent by one person by the other co-accused. Her statement under Section 164 of Cr.P.C. (Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023) is also recorded. Now, the investigation is already completed, charge-sheet is already filed. Considering her role, she be released on bail.

4. Learned APP and learned Counsel for the non-applicant No.2 - victim strongly opposed for the same on the ground that on the basis of the statement of the victim girl, she is implicated as an accused. Though the investigation is completed, but the involvement of the present applicant is in human

trafficking and therefore, the application deserves to be rejected.

5. On hearing both sides and on perusal of the statement of the victim girl, the entire allegations of taking her and introducing her with another accused is against the co-accused. As far as the present applicant is concerned, only allegation is that she visited along with other co-accused to the house of the present applicant. Admittedly, now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Sunita wd/o Vilas Sirsath** shall be released on bail, in connection with Crime No.423/2024 registered with Police Station Kotwali, District Nagpur for the offence punishable under Sections 143(2) (4), 3(5) of the Bharatiya Nyaya Sanhita 2023 and under Sections 4, 5, 7 of the Immoral Traffic (Prevention) Act and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the proceeding before the trial Court without

seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall not indulge herself in similar type of the activities. A single registration of the offence would lead to the cancellation of the bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)