



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.523 OF 2025

(Rashmi w/o Anand Khatri Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. P.S. Jaiswal, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 24, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.449/2025 registered with Police Station Tahsil, Nagpur, District Nagpur for the offence punishable under Sections 143(2) and 143(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the applicant is running a hotel by name Paradise. Recently, she has started the said business, and therefore, she was new in the said business. He submitted that it was the other co-accused who has communicated with the victim and he has brought the victim and only role attributed to the present applicant that she has allotted the room to the said girl and the present applicant. As far as the human trafficking is concerned the applicant is not

concerned with the same, and therefore, she be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application and submitted that there is a WhatsApp communication between the present applicant and the other co-accused. As far as the investigation part is concerned the Investigating Officer has to investigate as to the nature of the communication between the present applicant and the other co-accused. She submitted that considering that victim was found in the hotel of the present applicant. It was the present applicant who has allotted her room, and therefore, the application deserves to be rejected.

4. On hearing both the sides and on perusal of the investigation papers, especially the statement of the victim, which shows that she was from Uzbekistan and it was the co-accused who has communicated with her and thereafter she came to India. It was the co-accused who has booked plane ticket and lodge for her and also sent location to her. Thus, as far as the role of the present applicant is concerned which is only to the extent of providing the hotel room to the victim as it was booked by the other co-accused. Thus, considering the role attributed to the present applicant admittedly her custodial interrogation is not required. Now, the aspect of anticipatory bail in the case of human trafficking is considered by the Hon'ble Apex Court in the case of Krishna Surendra Singh Vs. State of Maharashtra and anr.

[2016 SCC OnLine Bom 12979] wherein the decision of the Division Bench in Criminal Public Interest Litigation No.4/2015 in the case of Freedom Firm Vs. Commissioner of Police, Pune, is set aside by the Court.

5. Considering the role attributed to the present applicant she has made out a case for grant of anticipatory bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant - Rashmi w/o Anand Khatri in connection with Crime No.449/2025 registered with Police Station Tahsil, Nagpur, District Nagpur for the offence punishable under Sections 143(2) and 143(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, be released on anticipatory bail, 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 concerned police station once in a week i.e. on every Monday between 10.00 a.m. and 01.00 p.m. and shall cooperate with the

investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall not indulge herself in similar type of the activities.

(vi) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stand disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*