



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

CRIMINAL APPLICATION (BA) NO. 838 OF 2024

Piyush Mohan Sulegel Vs State Of Maharashtra And Another

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

Court's or Judge's Order

Mr. S.P. Bhandarkar, counsel with Mr. Atharva C. Khadse, counsel for applicant.

Mr. C.A. Lokhande, APP for non-applicant/State.

Mr. Anirudh Ananthakrishna, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/01/2025.

1. By this application, applicant seeks regular bail in connection with Crime No.626/2023 registered with the non-applicant/police station for offences punishable under Sections 363, 370-A, 376, 376(2)(n), 376(3), 376 (DA), 392, 201, and 323 of the Indian Penal Code and under Sections 4, 6, and 17 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and under Sections 3, 4, 5, and 6 of the Immoral Traffic (Prevention) Act, 1956.

2. The present applicant is arrested on 5/8/2023. The allegation against the present applicant is that the victim, who is aged about 14 years, who lodged the report, and as per her report, she was residing along with her parents, and prior to one month of lodging of the report, she had a quarrel with her mother, due to which she left her house and came to Anandwan Square, where she met with co-accused Puja Atram. Co-accused Puja took

her along with her and asked her to do prostitution, to which she denied. At the house of Puja, she met with co-accused Akshay Bawane, who started inducing her for the prostitution business, and on denial by her, assaulted her with fist blows, due to which she returned to her home. After two days, co-accused Puja came to her house and took the victim along with her at her house. The co-accused, Akshay Bawane, had brought customers and insisted her to do the prostitution. She had a physical relationship with a boy for which she was paid Rs. 400/-. Thereafter, on 3/8/2023, the co-accused, Akshay Bawane, gave her Rs. 500/- and sent her along with him and an unknown boy for a physical relationship. As far as the present applicant is concerned, it is alleged that the present applicant has also took her along with him and subjected her for sexual assault. Thus, the allegation is that she was forced into prostitution. On the basis of the said report, police have registered the crime against the co-accused and the present applicant.

3. During the investigation, it was revealed that the involvement of the present applicant is in a sexual assault and thus induced her for prostitution, and thereby he is arrested.

4. Heard learned counsel for the applicant, who submitted that the applicant is behind bar since 5/08/2023, and no charges are framed. Moreover, on merit also, the name of the present is not mentioned in the

FIR. In a subsequent statement, she has attributed the role of the present applicant. As far as his further custodial interrogation is concerned, which is not required. In view of that, the application deserves to be allowed.

5. Heard learned APP and learned counsel for the victim have strongly opposed the said application on the ground that considering the statement of the victim and the applicant, who is identified during the identification parade, which is sufficiently shows his involvement. Considering that a 14 years girl was subjected for sexual assault, the application deserves to be rejected.

6. After hearing both sides and on perusal of the investigation papers, it reveals that the victim was trafficked, and trafficking in humans is a heinous crime and crime against humanity resulting in human rights violations. Minors, who were trafficked, are the victims even under the POCSO Act and are required to be treated with the sensitivity and empathy. Not being trafficked is a fundamental right of every Indian Citizen under Article 23(1) of the Constitution of India. As far as the involvement of the present applicant is concerned, it reveals that he has subjected her for the sexual assault by taking her. Thus, the present applicant is also involved in forcing her for the prosecution. As far as the contention of the learned counsel for the applicant that his identification parade was held after one month, it cannot be considered

at this stage. Considering several accused are involved in the present case, and during the investigation, the investigation officer has collected the evidence, and a test identification parade was also held, wherein the victim has identified the present applicant and specifically narrated the role of the present applicant. The other contention of the present applicant is that there is a delay in trial.

7. Moreover, the report of the concerned court was called. The report shows that the applicant and the co-accused have filed various applications, and the time was consumed in deciding the said application, and therefore, charges were not framed. Considering the report of the trial Court, mere delay in such types of cases is not sufficient to release the present applicant on bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

- a] The criminal application is **rejected**.
- b] The fees of the appointed counsel be quantified as per rule.

[URMILA JOSHI-PHALKE, J.]