

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

CRIMINAL APPLICATION (ABA) NO. 742/2025

Smt. Mangeshi w/o. Ramesh Moon Vs. State of Maharashtra

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

Court's or Judge's orders

 Mr. P. K. Bezlwar, Advocate for the Applicant.
 Mr. V. A. Thakare, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 13/10/2025.

. Heard.

2. The applicant has apprehension of arrest in Crime No.652/2025 registered with Police Station Sawangi Meghe, District Wardha for the offences punishable under Sections 42, 75, 79, 82 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

3. On 11.08.2025, a complaint was received by the Child Helpline Wardha. The complaint was lodged by the guardian of the Children, who were staying in the said Umed Sankalp and informed that her 3 nephew and 1 niece were admitted at Umed Sankalp, Rotha Wardha and 1 niece was admitted in Umed Sankalp, Kothrud, Pune. It is the grievance of the applicant that when Ku. Sharada Shinde asked for custody of her nephew and niece, the present applicant refused to handover the custody of her nephew and niece. The complainant has lodged the complaint with the District Women and Child Welfare Committee, Wardha. She has made allegations that there is no registration certificate with the present applicant as per Section 41 of the Juvenile Justice (Care & Protection of Children) Act, 2015. The applicant is running said institute

without any authority. It is alleged that the children are staying in one hall which is in agricultural field, which is not safe. Sufficient food is not available. No warden or guard is appointed to look after the boys and girls. There is no employee for cooking and cleaning. Children, who are more than 15 years of age were used to be sent for daily wages at brick kiln. They were beaten up by other elder boys and there is no provision for first-aid and other facilities. On the complaint of one Damini Shinde, the Crime is registered.

4. The learned Counsel for the applicant has stated that since 2016, the applicant is running this Institute for rehabilitation of the children of Pardhi community and providing education to downtrodden children. They are taking care by providing proper food. They have registered the Institute under the Maharashtra Public Trusts Act, 1950 and applied in 2020 for registration under the Juvenile Justice (Care & Protection of Children) Act, 2015. Still it is not registered.

5. The learned Counsel for the applicant has filed on record the photographs of the Institute and the persons, who visited the said Institute along with children who are staying there. The rooms and other facilities which are available are also shown in said photographs. The applicant has also filed the audit report of the year 2024-25. There are no allegations about any misappropriation or anything. The learned Counsel for the applicant has further stated that the complainant came to Institute and asked for the admission of her nephew in Hotel Management. He was not ready for Hotel Management

and desires to take admission in BSW course. The complainant created a scene in the institution on 09.08.2025, and thereafter, on 12.08.2025 lodged the complaint against this applicant. Only to take revenge, the complainant has lodged the complaint and the Crime is registered against this applicant. The custodial interrogation is not required, hence, prayed to protect the applicant by granting anticipatory bail.

6. The learned A.P.P. opposed the application stating that the institution was not registered, which is mandatory according to the provision. Without registering the said Institute under Section 41 of the Juvenile Justice (Care & Protection of Children) Act, 2015, the applicant is keeping the children and sending them for labour work. There is no any arrangement of separate residence for boys and girls. The condition of the wash rooms is very bad. The applicant has committed the offence, her custodial interrogation is necessary. Hence, prayed to reject the application.

7. Heard both the learned Counsel for the respective parties.

8. The main allegation against this applicant is that she is running the Institute without registration under Section 41 of the Juvenile Justice (Care & Protection of Children) Act, 2015. On perusal of the record it appears that, it is registered under the Trusts Act. Since 2016, she is running said Institute. From the photographs, it appears that the small children are staying there and she is taking care of them. Some students are taking education even for post graduation. The applicant is doing the social work.

She has to take strict measures to maintain the discipline. It appears that there was a dispute between the complainant and the applicant. The earlier complaint is lodged by the applicant and thereafter, to counter the said complaint the present complaint in question has been lodged by the complainant. If any irregularity is there, the custodial interrogation of the applicant is not necessary.

9. Considering the allegations made against the applicant, the case is made out to protect the applicant by granting anticipatory bail. Accordingly, I pass the following order:

- i] It is directed that in the event of arrest of the applicant in connection with Crime No.652/2025 registered with Police Station Sawangi Meghe, District Wardha for the offences punishable under Sections 42, 75, 79, 82 of the Juvenile Justice (Care & Protection of Children) Act, 2015, he shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount for the present case.
- ii] The applicant shall not in any way tamper with the prosecution evidence.
- iii] The applicant shall not pressurize or threaten the prosecution witnesses.
- iv] The applicant shall attend the concerned Police Station whenever called by the Investigating Officer.

v] The applicant shall co-operate the Investigation Officer.

The Application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

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