



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

CRIMINAL APPLICATION (BA) NO.526 OF 2025
(Ashok Badriprasad Sharma Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. S.R. Chakravarti, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.
Mr. A.T. Sheikh, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 18, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 16.02.2022 in connection with Crime No.9/2022 registered with Police Station Pachpaoli, Nagpur for the offences punishable under Section 363, 366, 343, 376(2)(n), 370, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of the report lodged by the victim aged about 21 years on an allegation that she was dealing with catering business and residing at Nagpur. She got acquaintance with one Anu Khan who offered her some catering work at Jaipur, Rajasthan and on pretext of offering her work, she was taken at Rajasthan and there she was kept at the house of the present applicant wherein she was insisted to perform the marriage with one Sanjay. It is alleged that Sanjay has performed the forceful sexual intercourse upon the victim on many occasions and she though attempted to rescue herself from the house of Sanjay

but was unsuccessful. On the basis of the said report, the police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, against whom there is no allegation of sexual assault by him on the victim. As far as his role is concerned, nothing transpires from the investigation papers. The investigation is already completed, charge-sheet is already filed, the trial is not yet commenced. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that considering the fact that it was the present applicant who was instrumental to perform the marriage of the victim forcefully with one of the co-accused and thereafter, though she tried to rescue herself, she was restrained and her attempt was unsuccessful. Moreover, she has invited my attention towards the observation of the trial Court while rejecting the application that some of the accused are released on bail by the trial Court who are not appearing, and therefore, the trial is held up. She submitted that similar is fact if the present applicant is released on bail and as the present applicant is also from the Rajasthan. She further invited my attention towards various statements of the witnesses and submitted that the involvement of the present applicant revealed. Considering, the involvement of the present applicant is in human trafficking, the application deserves to be rejected.

5. Learned Counsel for the victim endorsed the same contention.

6. After hearing both the sides and on perusal of the investigation papers, it revealed that earlier bail application of the present applicant was withdrawn and liberty was granted to the present applicant to prefer an application after one year. The trial Court was also directed to expedite the trial. The order passed by the trial Court shows that since the release of the other co-accused on bail, they did not turned up towards the Court and trial was help up. The observation of the trial Court further shows that the bail order was not also complied by the other co-accused. As far as the present applicant is concerned he is also resident of Rajasthan. The considerations for grant of bail are to be looked into while considering his application.

7. Admittedly, the involvement of the present applicant is in a human trafficking which is serious offence. The another consideration is that whether the applicant would be available for trial considering he is resident of the Rajasthan and other co-accused are also from Rajasthan, they are not attending the proceeding of the Court, there is every apprehension of fleeing away from the court of justice. The charges are already framed against the accused, but due to the non-cooperation on the part of the other co-accused, the trial is not yet commenced. In view of that and considering the gravity of the offence, the application deserves to be rejected.

8. Hence, the application is rejected accordingly.
9. The trial Court shall take effective steps to secure the presence of the absconding accused and shall proceed with the trial.
10. The fees of the appointed counsel be quantified as per the Rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*