



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

CRIMINAL APPLICATION (BA) NO.613 OF 2025

Prashant @ Chutki s/o Umeshchand Pande
Vs.

State of Maharashtra, through Police Station Gondia City, District Gondia
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. S. J. Chavhan, Counsel for the applicant.
Mr. V. A. Thakare, APP for non-applicant No.1/State.
Ms. Anshula Paunikar, Counsel h/f Ms. Ragini Karni Swami, appointed
Counsel for non-applicant No.2/victim.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/08/2025

1. The applicant came to be arrested on 08.11.2023 in connection with Crime No.134/2019 registered with Police Station Gondia City, District Gondia for the offence punishable under Sections 366A, 370 read with Section 34 of the Indian Penal Code and under Sections 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by aunt of the victim that her nephew has informed her that his mother who is the accused No.1 and his minor sister were missing and also their house was locked. Despite the search of the victim, the victim was not found and therefore, a

missing report was lodged. During inquiry of the missing report, the victim was traced and it revealed that the present applicant has purchased her and thereafter sold her to another person. Thus, the involvement of the present applicant was revealed in a human trafficking. On the basis of the said report, police have registered the crime against the present applicant. He submitted that other co-accused have already released on bail. As far as the present applicant is concerned, he is not involved in that crime. The victim has already filed an application before the trial Court that she is not acquainted with the present applicant and she has no objection to release the present applicant on bail. He submitted that now the investigation is already completed. The applicant is behind bar since 2023 and therefore, he be released on bail.

3. Learned APP strongly opposed the said application and invited my attention towards the statement of the victim girl which shows that she was 16 years of age at the relevant time. Her mother took her and thereafter sold to the present applicant. Present applicant kept her along with him for four months and thereafter again he handed her custody to the another co-accused Jaswant Thakur and thereafter said Jaswant Thakur also sold her to another person. Thus, the involvement of the present applicant reveals in the human trafficking. Thus, considering the nature of the offence and

criminal antecedents against the present applicant, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, especially the statement of the victim girl, it reveals that the involvement of the present applicant reveals in the human trafficking. Not to traffic is a fundamental right of the victim. Victim was minor at the relevant time aged about 16 years. Admittedly, even if she went along with her mother her consent is not relevant. The similar type of the three offences are registered against the present applicant. In one offence he is already convicted. Thus, considering the *prima facie* material i.e. the statement of the victim and the criminal antecedents against the present applicant, moreover, his involvement in the human trafficking, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is rejected.
- (ii) The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)