



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

CRIMINAL APPLICATION (ABA) NO.697/2025

(Surekha W/o Rameshsingh Chouhan Singh Vs. State of Maharashtra, through Police Station Officer, Duggipar,
Tah. Sadak Arjuni, Distt. Gondia)

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

Court's or Judge's orders

Mr. A.A. Naik, Senior Advocate with Mr. Vedant H. Pandey, Advocate for the
applicant.

Mr. Anant Ghogare, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 4.11.2025.

The applicant is apprehending arrest in Crime No.323/2025 for the offence punishable under Sections 103(1), 61(2), 143(4) and 3(5) of the Bharatiya Nyaya Sanhita and Sections 75 and 81 of the Juvenile Justice Act.

2. It is alleged that the applicant had helped the accused who had committed murder of mother of the child. The applicant had sold said child to one couple and had received Rs.30,000/-. Child was sold for Rs.1,70,000/- and she had received some of the amount. Though the offence under Section 103(1) of the B.N.S. is registered, it is not against this applicant. The offence of trafficking of child is registered against this applicant.

3. The learned Senior Advocate for the applicant has stated that crime is registered on the basis of the statement made by the co-accused, which is inadmissible. The intention of the applicant was to give the child in adoption. The another statement made by one Bansod is also of the co-accused and on the basis of said statement, the applicant cannot be arrested. The applicant is ready to co-operate

with the investigating machinery. It is submitted that the interim order was passed not to take any coercive action and during that period, police did not call the applicant for investigation. Hence, prayed to protect the applicant by granting anticipatory bail.

4. Learned A.P.P. opposed the application stating that this is a case of child trafficking. The applicant sold child and she received her share of Rs.30,000/-. Her involvement is there. The learned A.P.P. has relied on the statement of one Bansod and has stated that the applicant had facilitated the child trafficking. He has prayed to reject the application.

5. In this case the allegations are made that the applicant has helped the accused who has committed murder of mother of the child. It is alleged that she had sold child for Rs.30,000/-. The crime against this applicant is disclosed on the basis of statement made by the co-accused. It is brought to my notice that the statement of witness on which the learned A.P.P. has relied is also the statement made by the co-accused which is inadmissible. The statement of the person who has taken the child and paid the amount has not mentioned the name of this applicant.

6. As the crime is registered on the basis of the statement of the co-accused, there is no antecedents and the applicant is ready to co-operate with the investigating agency, case is made out to grant protection to the applicant. Hence, the application is allowed.

i) It is directed that in the event of arrest of the applicant- Surekha W/o Rameshsingh Chouhan Singh, in connection with Crime No.323/2025 for the offence punishable under Sections 103(1), 61(2), 143(4) and 3(5) of the Bharatiya Nyaya Sanhita and

Sections 75 and 81 of the Juvenile Justice Act, the applicant shall be released on bail on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one surety in the like amount.

- 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 co-operate with the Investigating Officer.
- v) The applicant shall attend the concerned police station daily during 1 p.m. to 2 p.m. till filing of the charge sheet.

(MRS.VRUSHALI V.JOSHI, J.)