



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

CRIMINAL APPLICATION [B.A.] NO. 1214 OF 2025

Atul s/o Ramswarup Sharma

-- VERSUS --

State of Maharashtra 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. G.S. Gour, Advocate for the Applicant.

Ms. M.H. Deshmukh, A.P.P. for the Non-applicant No.1/State.

Ms. Neerja Chaubey, Advocate (appointed) for the Non-applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 19, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.471/2025 for the offence punishable under Sections 64(2)(m), 65(1), 137(2), 143 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), registered with Police Station Gondia.

3. The First Information Report is lodged by the brother of the victim alleging that his sister on 12/06/2025 around 02:00 p.m. went to her friend's home to stay for few days. On few occasions, he enquired with her friend and he was informed that

the victim was staying with her. However, on 28/06/2025 when he asked about the whereabouts of his sister he was told that she has stepped outside. Since then she had not returned home nor she was found at her friend's place. It is alleged that someone has lured her sister and took her away. Therefore, report was filed on 29/06/2025.

4. It appears from the record that the present case is a classic example of an active racket, wherein unmarried persons are identified who are around 30 years of age and by following specific modus, the accused persons are performing their marriages with the minor girls posing those girls as if they are major.

5. The learned counsel appearing for the applicant submits that initially the First Information Report was registered under the provisions of Section 137(2) of BNS. Later on, Sections 64(2)(m), 65(1), 137(2), 143 read with 3(5) of BNS and Sections 4 and 6 of POCSO Act, 2012 came to be added. The F.I.R. was registered by the brother of the victim in respect of kidnapping. Later on, victim was found and her statement was recorded on 03/07/2025 wherein she has not named anyone. However, later on again her statement was recorded on 15/07/2025 wherein she has narrated the entire story. It is claimed that the applicant is not involved in such a heinous offence, in

fact, he was cheated by one Gunjan, Mamta and Santosh. In fact, the applicant is unmarried and of 33 years of age. It was proposed to the applicant by other persons namely, Gunjan, Mamta and Santosh that they have arranged a marriage proposal for him and he can marry with her and due to which the victim came into picture. Accordingly, marriage took place between them. The applicant has paid Rs.1,50,000/- to Gunjan and others and after completing the marriage formalities, it is alleged that the applicant has committed sexual intercourse with the victim. He further invited my attention to further part of the statement, wherein it appears that brother of the applicant namely Sanjay had asked Gunjan to provide documents of the victim so that they could register a marriage in accordance with law. However, as those documents were not received, the brother suspected that there was something wrong, and therefore, when enquired with the victim she has disclosed everything. He further submits that he has not committed any offence and that he was misrepresented by Gunjan and others.

6. On the other hand, the learned A.P.P. vehemently opposes the application on the ground that the victim is of 15 years and 10 months of age at the time incident. She further submits that the victim was sold by Gunjan and others to the present

applicant. Even if it is presumed that the victim is married, but marrying a minor girl is also an offence. Further, the act of sexual assault would also be required to be taken into consideration. She further submits that the racket is active and innocent girls are trapped. Advantage is taken by the persons who are unmarried for a long time of these minor girls, and therefore, she submits that this is nothing but human trafficking which is required to be dealt sternly.

7. I have considered the rival submissions of both the parties. Admittedly, the F.I.R. was registered on the basis of the information given by the brother of the victim. It appears from the two statements of the victim that, initially, she has not disclosed anything, however, she only stated that she went from one place to another by railway. However, in the statement dated 15/07/2025, it was disclosed that she was married with the present applicant and further Gunjan and others are instrumental in performing the marriage with the present applicant. She further submits that though she was given assurance by Gunjan and others that they will pay amount to her after performing marriage with the present applicant, however, nothing was paid to her. Further, it could be gathered from the statement that the elder brother of the applicant has also requested

Gunjan to handover the documents so that marriage between the applicant and the victim can be registered, however, it was not handed over, and therefore, it was suspected by the elder brother namely, Sanjay, who has later on enquired with the victim and she has disclosed everything. It further appears that Sanjay Sharma, who is the brother of applicant, has also given one application to PSO, Sironj, alleging that they have been cheated by Gunjan and others including the present victim. It appears that the applicant was cheated by Gunjan and others. Considering the above factual background and the fact that the investigation is complete and the charge-sheet is filed, I am inclined to grant bail.

8. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Atul S/o Ramswarup Sharma) be released on regular bail in connection with Crime No.471/2025

registered with Gondia Police Station, District Gondia, for the offence punishable under Sections 64(2)(m), 65(1), 137(2), 143 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), on his furnishing a PR. bond of Rs.25,000/- with one surety in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail;

(vi) Fees of the appointed counsel be quantified and paid as per rules;

(viii) Pending Misc. Applications, if any,
also stands disposed of.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN